

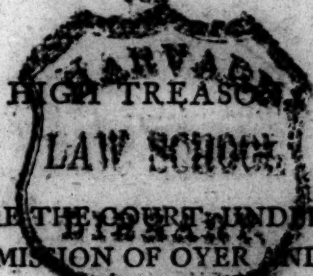
april 26  
TRIAL

41

OF

ROBERT WATT,

FOR



BEFORE THE COURT, UNDER THE  
SPECIAL COMMISSION OF OYER AND TERMINER  
HELD AT EDINBURGH.

TAKEN IN SHORT HAND BY MR. BLANCHARD,

REVISED BY THE COUNSEL ON BOTH SIDES,

AND

PUBLISHED WITH PERMISSION OF THE COURT.

8.

EDINBURGH:

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1795.

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TRIAL

ROBERT W. H. H.

THE COURT OF THE CITY OF NEW YORK  
IN SENATE CHAMBERS

AND IN SENATE CHAMBERS

IN SENATE CHAMBERS

AND IN SENATE CHAMBERS

AND IN SENATE CHAMBERS

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# PROCEEDINGS

A T

*A SPECIAL SESSION OF OYER AND TERMINER,*

HELD AT EDINBURGH ON THURSDAY THE 14th OF AUGUST 1794.

, BEFORE

ILAY CAMPBELL, Lord President of the College of Justice.

ROBERT MACQUEEN, Lord Justice-Clerk.

ALEXANDER MURRAY, Lord Henderland.

DAVID RAE, Lord Eskgrove.

JOHN SWINTON, Lord Swinton.

Sir WILLIAM NAIRN, Lord Dunfinnan.

ALEXANDER ABERCROMBY, Lord Abercromby.

JAMES MONTGOMERY, Lord Chief Baron.

AND

Hon. FLETCHER NORTON, Senior Baron.

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PROCLAMATION being made, the Commission was opened by Mr Knapp, the Clerk of the Commission.—The Sheriff of the County of Edinburgh then returned the Precept, which

which had issued to him to summon the Justices of the county, the Grand Jury, and Constables to attend.

The Justices names were then called over.

Then those of the Grand Jury, and the following persons were sworn in :—

Sir John Inglis, Bart. of Cramond, *Foreman*,

Andrew Wauchope, of Niddery Marshal.

Charles Watson, of Saughton.

George Ramfay, the younger, of Barnton.

John Trotter, of Mortonhall.

Gilbert Innes, of Stow.

Robert Trotter, of Castlelaw.

James Walker, of Dalry.

William Simpson, Royal Bank.

Walter Brown, of Currie.

George Thomson, of Burnhouse.

William Preston, of Gorton.

James Kerr, of Blackshiels.

John Davie, of Gavieside.

John Davidson, of Ravelrig.

Charles Brown, of Coalstown.

John Balfour, the younger, of Pilrig.

John Newton, of Curriehill.

James Pittullo, of Hayfield.

Alexander Reid, of Ratho.

Alexander Keith, of Ravelston.

Simon Frazer, of Ford.

Thomas M'Millan, of Soonhope, Esquires.

The LORD PRESIDENT then addressed the Grand Jury in the following words :—

*Gentlemen of the Grand Jury,*

THE duty which you are called upon at this time to discharge, however important, must be in a great measure new to you. It will not therefore be improper, that I trouble  
you



you with a few words, in order to point out what I conceive to be the leading principles and objects of the commission under which you are to act.

At the same time, you will not fail to keep in view, that whatever suggestions may come from me, in the way of general information, chiefly upon matter of law and of legal form, that the nature of the business may be understood; to you alone, Gentlemen, belongs the right of applying these to the individual charges when laid before you, and to the evidence adduced in support of those charges, as it will rest with you to determine by the answer which you are to make, agreeably to the solemn oaths which you have taken, and to the honourable dictates of your own minds, whether there is, or is not, sufficient ground for any further proceedings against the parties accused.

Hitherto, Gentlemen, it has been our good fortune to be little acquainted with High Treason, or the modes of inquiring into it; in so much, that our knowledge of that crime is derived almost only from the Statute-book, with the comments upon it by learned and eminent writers on the Law, and the history of Trials, mostly of an ancient date. The reason is obvious, few attempts having been made in our time to disturb the public tranquillity; the people of this country were satisfied, and good cause they had to be so, with the blessings which they enjoyed, under a system of Laws, and a form of Government, the essence of which is LIBERTY. Every man's right,—every man's franchise;—the fruits of his industry;—the safety of his person;—the exercise of his religion;—his liberty;—his fame;—all have been secured to the utmost extent of his wish.—What fair pretence then could any man have to seek for a change?

During the same period, and as a necessary consequence of these inestimable advantages, the country has continued to prosper more and more; for notwithstanding the wars, in which, from various causes, and chiefly from the turbulence or ambition of our neighbours, we have been too often engaged, it is a fact indisputable, that this country has ad-

vanced not slowly, or in a slight degree, but rapidly and conspicuously, in Commerce, in Agriculture, in every useful Art, in Population, and in Wealth, so that the growing income, and increased industry of the country, have not only kept pace with, but far exceeded any additional burden arising from the necessary increase of national expenditure.

Gentlemen, it is not my intention, nor do I think it in any degree necessary, in addressing myself to you, to enlarge upon these topics, or to consume your time, by going into minute details concerning the British Constitution, and the admirable manner, in which the powers of the State, Legislative and Executive, are combined and balanced, whereby the liberty of every individual is completely secured; I mean that Liberty which alone can be enjoyed by men living in a state of Society; Civil Liberty, which, as the celebrated Montesquieu observes, *is founded in security*, which consists in every man's doing, not what he *wills* but what he *ought to will*, the right of doing whatever the laws permit, and no more; for if one could do what the laws forbid, he would no longer be possessed of Liberty, because every other man would have exactly the same power.

But, Gentlemen, it will perhaps be said, why do I make these observations? Has any sudden change of circumstances happened? Is there any imminent danger of our being deprived of those inestimable rights which have been described? I hope not; we still have the same laws, the same Constitution, the same gracious Sovereign upon the throne who has reigned for years past. Recent events too, have shown that our sailors and our soldiers, are not yet deficient in valour, nor their officers in good conduct, and it is not to be doubted, that the Great Body of the People, have sufficient good sense and spirit, to resist the madness of innovation, and effectually to oppose the wicked attempts of enemies, without or within.

But, Gentlemen, it is to be remembered, that we are engaged in war, with an inveterate, a cruel, and a vindictive enemy; an enemy, whose object seems to be, to spread desolation



lation far and wide ; whose leaders, if they ever were in quest of Liberty, have been very unsuccessful in finding it ; who upon the ruins of their ancient Monarchy, and even of their own improved constitution, have now raised up *something*, which one is at a loss to name or understand, unless it be either complete Anarchy, or the most ferocious Tyranny.

It may be said, what is all this to the state of Great Britain ?—Perhaps nothing at all, if we take care that the contagion does not reach us. But if it be true, as has been asserted, that they have, by a formal decree, established their National Convention, as a grand committee of general insurrection for the purpose of overthrowing every existing government in Europe ; if it be true that they have abettors in this country, who either in connection with France, or from similar views and imaginations, formed in their own minds, are busy in promoting the same wild and destructive projects here, is it not high time that we should look with some degree of anxiety to our own situation, and to our safety ?

It is difficult for us to conceive, that British subjects, who are not desperate or insane, should be so lost to all sense of duty ; so blind to every fair interest that men can have ; or so abandoned to wickedness, as to enter deliberately and knowingly into the horrid conspiracy of destroying the Constitution of their country, and rising in rebellion against their Sovereign. Yet report says, that such daring plans have been formed, and you, Gentlemen, the Grand Jury of the county of Edinburgh, are met this day for the purpose of making a solemn, dispassionate, and candid inquiry, in the manner directed by law, whether any such Treason has been committed within the district to which you belong, and whether the persons now meant to be charged ought or ought not to be put upon trial for so atrocious an offence.

If I have expressed myself strongly against the crime which is undoubtedly the highest of any, as it goes not merely to a partial breach of the law, or to an injury against individuals, but tends to the utter subversion of all Law and Government,



Government, and the dissolution of the bonds of society, I hope it will not be understood, that I mean in any degree to excite your passions against those who may have the misfortune to be accused, so as to lead you to a hasty or ill-founded opinion against them: on the contrary, it is my duty to admonish you against undue prepossession, and to request that you may keep in view, that the *presumption of innocence* is an essential and a valuable rule of Criminal Jurisprudence, which rule is not in any degree weakened by the atrocity of the crime.

Gentlemen, as to all previous inquiries before the House of Commons or elsewhere, concerning this alledged Treason, and all reports made upon those inquiries, if any of you have had occasion to read or to hear of them, you are to lay them out of your minds, as you cannot proceed upon any thing extra-judicial, but can only take under your view, the proofs which are actually brought before you in a legal shape.

At the same time it is necessary for you to keep in view, that it is not your province to *try* the parties accused, or any of them. You are only to hear the evidence on the part of the Crown, for the purpose of satisfying you, whether such probable circumstances of guilt appear against the prisoner, as to justify the sending him to another Jury, who are appointed by law to hear the evidence on both sides, and to say whether the person charged be guilty or not of the crime imputed to him in the indictment; and, if upon such trial, any advantage can be derived to the prisoner, either from legal defences, or from favourable circumstances in point of fact, it will be the duty of the Court, as well as of those acting for the parties, to take care that the same be fully stated and understood. Your presentment, if you find a true bill, is not of the nature of a conviction, but is an authority to the *accusation*, merely to the effect of bringing the prisoner to a fair and full trial. On the one hand, it is not your duty upon slight surmise, or mere suspicion, to bring any person into the disagreeable predicament of being tried for his life upon a charge of High Treason. On the other hand,  
you

you are not tied down so strictly to all the niceties of evidence, as if you were trying the whole issue, but may and ought to proceed upon what you think a probable and reasonable cause for putting the accused party on his trial. Such is the description of your duty, as given by every Constitutional Writer on this important branch of the law.

By an act of the 7th of *King William*, two witnesses are required to make out a charge of Treason, but two witnesses are not necessary to each act, for the statute expressly says, that it is enough, if "either both of them swear to the same overt act, or one of them to one, and the other to another overt act of the same Treason," so that one witness to each of two different acts of the same Treason is sufficient.

I presume, Gentlemen, all of you know, that in consequence of the Union between the two kingdoms of Scotland and England in 1707, the English Law of Treason, and the forms of proceeding with respect to inquiring into, and trying the crime, came to be adopted by us as a matter of high expediency and justice, that the subjects of both parts of the United Kingdoms, who were bound to the same duty of allegiance might be under the same law, and tried in the same manner, in case of any alledged breach of that duty. Accordingly it was so settled by the Act 7. *Queen Anne*, c. 21, which is the authority under which this present Commission of Oyer and Terminer has been issued by his Majesty in the precise form and manner prescribed by that statute. The method of proceeding under such a Commission, is likewise well known. One advantage the prisoner certainly has by it, namely, that of passing through the hands of two different Juries before he can be convicted. The King's Advocate in every other case, exercises the power of a Grand Jury in Scotland, and it is believed no Advocate has ever yet abused that power. But in cases of High Treason, none of us will regret that so high and momentous a trust is committed to no individual whatever.

The Treason law of England, which is now also the law of Scotland, was fixed by a statute, in the 25th year of Edward



ward III. from the preamble of which we learn, that before his time, and while matters rested upon the footing of Common law, the definitions of Treason were various and unsettled, different opinions being occasionally entertained upon the subject, whereby the safety of individuals was much endangered, as they did not precisely know what actions were treasonable, and what were otherwise. It was therefore thought proper, in the reign of that wise and able Prince, that the descriptions of Treason should be precise and clear, and with that intent, this important statute was made, which arranges and describes the crime under different heads. It is needless to trouble you with the whole of them, as there are two only that have any application to the present business. The first is in these words, "When a man doth compass or imagine the death of our Lord the King, or of our Lady his Queen, or of their eldest son and heir." The second, "Or if a man levy war against our Lord the King in his Realm, or be adherent to the King's enemies in his Realm, giving to them aid and comfort in the Realm, or elsewhere, and thereof be proveably attainted of open deed by the people of their condition."

Whether the indictment be laid upon the one or the other of these heads, an overt act must be charged and proved.

As to the first, we are told by Lord Chief Justice Hale, in his excellent book upon the Pleas of the Crown, that "Compassing the death of the King is High Treason, though it be not effected; but because the compassing is only an act of the mind, and cannot of itself be tried without some overt act to evidence it, such an overt act is requisite to make such compassing, or imagination, High Treason." And Judge Foster, in his Crown Law, another book of great authority, says, "The care the law hath taken for the personal safety of the King is not confined to actions, or attempts of the more flagitious-kind, to assassination, or poison, or other attempts, directly and immediately aiming at his life. It is extended to every thing wilfully and deliberately done, or attempted, whereby *his life may be endangered*; and therefore the



the entering into measures for deposing or imprisoning him, or to get his person into the power of the conspirators; these offences are overt acts of Treason, within this branch of the statute; for experience hath shewn, that "between the prison and the graves of princes the distance is very small."

As to the second head, both these learned writers agree, that a bare conspiracy, or consultation of persons, to levy a war, is not sufficient to bring the case within that branch of the statute; but they also agree, that in certain circumstances such a conspiracy or consultation may amount to an overt act of compassing the King's death, and so to bring the case within the first branch. Thus, Lord Chief Justice Hale says, "An assembly to levy war against the King, either to depose or restrain, or enforce him to any act, or to come to his presence, to remove his counsellors or ministers, or to fight against the King's lieutenant, or military commisionate officers, is an overt act proving the compassing of the death of the King; for such a war is directed against the very person of the King, and he that *designs* to fight against the King, cannot but know at least it must hazard his life."

And Judge Foster tells us, "Every insurrection which, in judgment of law, is intended against the person of the King, be it to dethrone or imprison him, or to oblige him to alter his measures of government, or to remove evil counsellors from about him; these risings all amount to levying war within the statute; whether attended with the pomp and circumstances of open war or no: And every *conspiracy* to levy war for these purposes, though not treason within the clause of levying war, is yet an overt act *within the other clause of compassing the King's death*. For those purposes cannot be effected by numbers and open force, without manifest danger to his person."

In like manner, Judge Blackstone, in speaking to the second branch of the statute, says, that "A bare conspiracy to levy war does not amount to this species of treason; but, if particularly pointed at the person of the King, or his Government, it falls within the first, of compassing or imagining

the King's death." In short, a conspiracy to levy war against the King for the purpose of restraining him in any shape, is held equivalent to a conspiracy against his life.

Another species of insurrection may take place, which not being so immediately pointed against the King, but only by consequence, such as an insurrection to raise the price of wages; to open prisons; to destroy meeting houses; to throw down all inclosures; to alter the established law in any particular; or to redress any supposed grievance, it was more doubtful whether this sort would fall under any clause of the statute. By construction of Law, however, even this, on account of its tendency, has been held to be a levying of war under the second clause, if the rising has actually taken place; but a bare conspiracy to effect such a rising is not held as an overt act of compassing the King's death, the parties concerned not being supposed to have in contemplation any attack against the King, or his Royal Authority, so as to put his person in hazard, unless this also be charged and proved.

These distinctions have at different times been the subject of a good deal of discussion; but they seem to be founded in a just construction of the Treason Law.—In every case, therefore, of a charge for High Treason upon the first branch of the statute, *i. e.* that of compassing the King's death, when a conspiracy or consultation to levy war is alleged as the overt act, it is necessary to inquire what sort of rising was intended, and what was the object or purpose in view.

It does not belong to me to say, nor do I know what precise matters will be brought in evidence before you upon the bills of indictment, which are to be the subject of your consideration: but in general, as High Treason is the charge, and as circumstances will probably be brought in view tending to make it appear that the parties accused were engaged in a conspiracy, or had formed plans and projects of rising in hostility against the King and his Government, perhaps, under the mask of Reform, but no matter what the pretence was; you will first satisfy yourselves as to the evidence of

the



the fact, and the nature of the design, and then you will consider what the probable consequences would have been, had such a design been carried into effect. If you see reason to think that the object of those concerned, from the measures which they took, was, by force of arms and of numbers, to seize the government of the country, and of course, to supersede the King's authority, and to take the power of the State into their own hands for a time, you can scarcely hesitate to be also of opinion, not only that the King's person would, by the execution of so desperate a project, have been put into the most imminent danger, but that the probable consequences would have been to deluge the land with blood!

If the case appear to you in that light, you will consider whether it is not your duty to find a bill. If it appears to be of a different description, your answer will be accordingly. The character which all of you bear, leaves not the smallest room to doubt, that the public will be completely satisfied whatever your determination may be.

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Mr *Anstruther* moved, That Arthur McEwan, William Bonthorn, John Fairley, William Brown, Robert Orrock, and Martin Tod, prisoners now detained for High Treason, might be admitted witnesses on behalf of the Crown, and be conveyed before the Grand Jury to give evidence on bills of indictment against Robert Watt, David Downie, and John Edmonds Stock, for High Treason, which was ordered accordingly.

The before mentioned witnesses were then brought into Court to be sworn, but refused to be sworn according to the English form; upon which the Lord President swore each of them according to the Scotch form.

Then the Grand Jury requested, That Mr Knapp, the Clerk of the Commission, and Mr Warrender, the Crown Agent, might attend them during their examination of the bills of indictment.

Mr *Anstruther* moved the Court for the same. It was accordingly ordered.



The Court then adjourned until seven of the clock the same evening, in order to give the Grand Jury time to consider of the bills; but at the same time the Lord President intimated the wish of the Court that they would not over hurry themselves, but if they should not be agreed at that time, that then the Court would adjourn over to the next morning.

The same day at 7 o'clock, the Court met pursuant to their adjournment, when the same Commissioners were present. The Grand Jury then came into Court, and their names being called over, they presented two bills of indictment. One against ROBERT WATT and DAVID DOWNIE, and the other against JOHN EDMONDS STOCK, for High Treason, endorsed, *True Bills*. The Court then ordered the Sheriff to have the bodies of Watt and Downie brought from the Castle and set to the bar, to be informed that there were bills of indictment found against them. They were accordingly brought to the bar, and were informed by the Lord President, that they were entitled to have Counsel to defend them, and that the Court would assign them any they would name; but it appearing to the Court that they were not then prepared to name their Counsel, the Court indulged them till eleven o'clock the next day to do so; and it was ordered by the Court in the mean time, that their Agents should have access to them in prison, at any reasonable times. The Court also informed them, that they were entitled to a copy of their indictment, and list of the witnesses to be produced against them, and a list of the Jury intended to try them, delivered ten days before their trial. Then a copy of their indictment, together with the caption of the Court, and a list of the witnesses, containing their names, professions, and places of abode; and a list of the Jury, containing their names, professions, and places of abode were then delivered to each of the prisoners in Court.

Then the Court adjourned until eleven o'clock on Friday morning.

PROCEEDINGS of the COURT on FRIDAY the 15th instant, at  
*Eleven o'clock in the Forenoon.*

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PRESENT.

THE LORD PRESIDENT, the LORD JUSTICE-CLERK, LORD HENDERLAND, LORD SWINTON, LORD DUNSINNAN, and the LORD CHIEF BARON.

The two prisoners, Watt and Downie, were then put to the bar.

Robert Watt desired the Court to assign as Counsel for him, William Robertson, Esq. and William Erskine, Esq. and in case of the non-attendance of both those Gentlemen on his behalf, then he named Archibald Fletcher, Esq. instead of either of them who might be absent; and he named John M'Ritchie as his Agent, which the Court consented to, and ordered accordingly.

Then the prisoner David Downie delivered in a list of the names of several Advocates, and desired the Court would assign any two of them to assist him in making his defence. The Court named, at his request, John Clerk, Esq. and Archibald Fletcher, Esq. to be his Counsel, and in case either of them should not be able to attend, Robert Cullen, Esq. in their stead, and named John Dillon to be his Agent, which the Court ordered accordingly. Then it was ordered by the Court, that the several Counsel and Agents should have access to the prisoners at all seasonable hours; at the same time, giving them leave to take the advice and the assistance of any other Advocate whom they might think proper, and if any of those Advocates so appointed should not be able to attend, that then the Court would

would, at the requisition of the prisoners, assign any other they should name. The prisoners were then informed, that they would be brought up to plead to their indictment on Wednesday the 27th instant, but that they were not then to be tried. The Court then adjourned to Friday the 22d instant, at 11 o'clock in the forenoon.

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PROCEEDINGS of the COURT on FRIDAY the 22d AUGUST.

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PRESENT,

The LORD JUSTICE CLERK, LORD DUNSINNAN, LORD ABERCROMBY, and the LORD CHIEF BARON.

*William Robertson, Esq.* My Lords, I have been appointed by your Lordships as one of the Counsel for Robert Watt, but I wish to submit to the Court whether, as I have the honour of being Solicitor General for his Royal Highness the Prince of Wales, for Scotland, I can be assigned as Counsel for a prisoner who is indicted for High Treason. The duties of the station I hold seem to me to be repugnant to those I might be called upon to exercise as Counsel for the prisoner at the bar. I hope your Lordships will think this a sufficient excuse for my not appearing as Counsel for him.

THE LORD CHIEF BARON. I hope notice has been given of this to the prisoner, that he may name some other person for the appointment of the Court to supply your place, as your objection is very proper.

*William Erskine, Esq.* My Lords, I attend as Counsel for the prisoner Robert Watt, along with Mr Robertson. I beg leave to inform the Court that, in consequence of early notice having been sent to Robert Watt, that Mr Robertson could not attend, he has named Mr Robert Hamilton to be



be one of his Counsel. To which the Counsel for the Crown readily consented, and he was assigned accordingly.

*Lord Advocate.* The purpose of your Lordships adjourning to this particular day, was on the motion of the Counsel for the prosecution; they at that time having reason to believe it would have been in their power to have brought some business before your Lordships to day, but they have been disappointed in their expectations. The person they intended to have brought to your Lordships bar to day is not yet taken. I have therefore nothing more to trouble the Court with to day, and am sorry that the Court have had the trouble of attending.

LORD CHIEF BARON. Then it will be proper for the Court to make the order of adjournment.

*Mr Erskine.* My Lord, I observe in this indictment against Watt, there are several papers founded on by the Counsel for the prosecution alledged to be of a treasonable nature, which he is accused of having written and published. I should submit, by the forms of this Court, whether we are not entitled to see those papers before the prisoner is put upon his defence.

*Mr Anstruther.* It is almost unnecessary for me to say one word in answer to what is proposed by the Counsel for the prisoners, such a proposition has never been made before in any such case. The prisoner is entitled to a copy of the indictment and a list of the witnesses to be produced against him, but he is not entitled to see the evidence the Counsel for the Crown mean to produce; they will produce it in proper time: at present, with all due deference, it is not in the power of the Court to call upon the prosecutors for a disclosure of the written testimony or the oral evidence they mean to produce. Therefore this motion cannot have success. If the Counsel for the prisoner desire to have any paper produced which they rely on as evidence, they may, by means of a Subpœna *duces tecum*, call upon any witness to produce such papers at the trial; but before, it is impossible

fible to have the papers in our possession, or to have a disclosure of the evidence on which we mean to rely.

*Mr Erskine.*—I do not know that I am entitled to press my present motion. It is well known to your Lordships, that the Counsel for the Crown could not by the laws of this country produce a single paper against a prisoner on his trial, which his Counsel have not had an opportunity of seeing. The Gentlemen on the other side have asserted that a different rule prevails in England. Your Lordships will judge between us.

**LORD CHIEF BARON.**—The Counsel for the prosecution may consent to a production of particular papers in their custody.

*Lord Advocate.*—Unquestionably, so far as any papers in our custody are proper to be produced, or shewn, we can have no objection to their being produced to the prisoner.

**LORD CHIEF BARON.**—They may call for it as evidence in defence.

*Mr Anstruther.*—They are to do as they think fit.

**LORD CHIEF BARON.**—What those papers are, Mr Erskine wishes to see I know nothing about. I have not seen the indictment; whatever way it may be laid, the prisoner is intitled to see nothing without the consent of the Counsel for the Crown—they are to produce whatever evidence they think proper.—If the prisoner's Counsel think it material, the mode of coming at it is laid down by the Counsel for the Crown, that they may have the common process, and may be prepared to make use of it, when the trial comes on.

*Mr Anstruther.*—We propose to bring up the prisoners on Wednesday next, in order to their being arraigned. The Act of Parliament allows ten days from the time of delivering the copy of the indictment, which was done on Thursday last. Ten clear days and the two Sundays carry us to Wednesday the 27th instant, as the earliest day upon which they can be arraigned.

The Court was then adjourned to Wednesday the 27th of August, at eleven o'clock in the forenoon.

WID-



WEDNESDAY, AUGUST the 27th, 1794.

The Court met according to adjournment, when the following Commissioners were present :

LORD JUSTICE CLERK, FLETCHER NORTON, Esq. LORD ESKGROVE, LORD SWINTON, LORD DUNSINNAN and LORD ABERCROMBY.

The prisoners were then brought to the bar and arraigned.

LORD JUSTICE CLERK.—Gentlemen of Counsel for the Prisoners, have you any motion to make?

*Mr Fletcher.* Formerly your Lordship appointed Mr Clerk and myself as counsel, and in case either of us could not attend, the prisoner requested Mr Cullen might be appointed, and your Lordship did appoint Mr Cullen in the place of Mr Clerk for David Downie.

*Mr Knapp.* He was appointed provisionally.

*Mr Hamilton.* There is a witness, who is extremely important for the defence of the Prisoner, (to wit) Watt, for whom I appear; his name is Kennedy; he is a witness for the Crown; but I understand, he is not to be found.—I wish to know if the Counsel for the Crown have any reasonable expectation of getting him brought forward as a witness for the Crown.—If they have, he will be also ready for the Prisoner.

*Mr Anstruther.* Kennedy is named among the list of witnesses, and the Counsel for the Crown have made every enquiry, both in England and here, to have his person; whether they will be successful in finding him I cannot say, but most undoubtedly, no means have been spared for the purpose.

*Mr Hamilton.* I have received a satisfactory answer from the Counsel for the Crown; the reason for my motion was, that



that the witness's testimony is of great consequence for the defence of the Prisoner, and if so, I apprehend I should be well founded in grounding my motion for the delay of this trial.—I will not say I shall not in a subsequent stage of this trial make such motion. I understood by the Law of England, when a witness is not present, who it is necessary should be produced, if there is any expectation of getting him, I should be entitled to move for a delay of the trial, for such time as might be necessary to bring such witnesses forward.

*Mr Fletcher.* My Lords, as Mr Downie, my client, has the same dependance upon the testimony of Kennedy as Mr Watt has, if there is any delay granted to the one, I should move the same may be granted to the other.

*Mr Anstruther.* It is not necessary for me in this state of the business, to object to a motion not now made, but announced as intended to be made; but I wish to be candid, and to inform the counsel for the prisoners, that if ever such a motion shall be made, I shall oppose it to the utmost of my power; and I have no scruple in stating one of the grounds on which I shall oppose the motion.—I wish the Court to be informed, that this Mr Kennedy is a person, who, upon the first discovery of the treasonable acts charged on the gentlemen at your Lordships bar, (and who is now stated to be a material witness) thought proper to elope from this country, and to fly from Justice, which was in search of him; from the 1st of May to the present hour, none of the officers of Justice, either in Scotland or England, ever could lay hands upon, or get sight of Kennedy, or gain the least intelligence where he is to be found,—rewards have been offered for his apprehension, which have not yet had effect;—therefore, whenever a motion to delay the trial, shall be made upon the ground of his absence, I shall oppose it, and the more so, if it is made three weeks after the notice of the day of trial. If the Counsel for the prisoners know where he is to be found, I can only say, we shall be extremely obliged to them for such information, and I will answer

for for it, if he is to be found, he shall be brought in custody to the bar.

*Mr Hamilton.* I have had an answer which is satisfactory; I only mentioned that in case it was likely for him to be produced, I might perhaps make such a motion.

*Mr Dundas.* The Counsel for the prisoners will exercise their own discretion as to their motions in future; I can only say, if such a motion is to be made, and it should succeed, the trial may be deferred for ever: large rewards have been offered for Kennedy's apprehension in vain.

*Mr Hamilton.* My motion was in case the Counsel for the Crown had any reasonable expectation of getting him.

LORD JUSTICE CLERK. Have you any other motion to make?

*Mr Fletcher.* I understand the Defendants are to be separately tried.

*Lord Advocate.* They must be separately tried.

*Mr Knapp.* If they join in their challenges they may be tried together.

*Mr Anstruther.* With respect to that, your Lordships know, on trials for High Treason, every prisoner may challenge thirty-five; it becomes extremely inconvenient to try two persons together, because, if they differ in their challenges, it would be attended with great difficulty; the Counsel for the Crown, therefore, mean to desire two several pannels for the trial of the two prisoners; if they agree, they would be bound down to one challenge for both. We do not ask them to do such a thing.

*Mr Fletcher.* I believe they will not agree in their challenges. What we wish to know, as Counsel for the Defendants, is, which is to be tried first?

*Lord Advocate.* I have no objection at all to state to Mr Fletcher, that our intention is to bring Mr Watt to trial first.

LORD JUSTICE CLERK. The Court will now adjourn to Wednesday next, at eight o'clock.

The rest of the Judges then agreed to adjourn to Wednesday, at eight o'clock in the morning precisely.

Proclamation was then made accordingly, by the cryer of the Court.

PROCEEDINGS of the COURT of OYER and TERMINER,  
held at EDINBURGH, on WEDNESDAY, SEPTEMBER the 3d,  
1794.

THE TRIAL OF ROBERT WATT, FOR HIGH TREASON.

PRESENT,

Lord PRESIDENT,  
Lord CHIEF BARON,  
Lord JUSTICE CLERK,  
Mr BARON NORTON,  
Lord ESKGROVE,  
Lord SWINTON,  
Lord DUNSINNAN,  
Lord ABERCROMBY,

*Counsel for the Crown.*

The Lord ADVOCATE,  
Mr SOLICITOR GENERAL,  
Mr ANSTRUTHER,  
Mr DUNDAS.

*Agent,*—Mr WARRENDER.

*Counsel for the Prisoner.*

Mr HAMILTON,  
Mr ERSKINE.

*Agent,*—Mr M'ITCHIE.

*Clerk of Arraignment.* You, the Prisoner at the Bar, these good men that you shall hear called, and personally appear, are to pass between our Sovereign Lord the King and you, upon the Trial of your Life and Death; if, therefore, you will challenge them, or any of them, your time is to speak unto them, as they come to the book to be sworn, and before they are sworn.

The



*The JURY were then called, as follows:—*

|                           |                                   |
|---------------------------|-----------------------------------|
| George Gardner,           | <i>Prisoner,</i> I challenge him. |
| John Bell,                | <i>Prisoner,</i> I challenge him. |
| Thomas Mure, Esq.         | <i>Prisoner,</i> I challenge him. |
| Alexander Houston,        | Did not appear.                   |
| Benjamin Yule,            | <i>Prisoner,</i> I challenge him. |
| Donald Smith,             | <i>Prisoner,</i> I challenge him. |
| James Carfrae,            | <i>Prisoner,</i> I challenge him. |
| Sir William Forbes, Bart. | <i>Prisoner,</i> I challenge him. |
| Robert Young,             | <i>Prisoner,</i> I challenge him. |
| Alexander Wallace,        | <i>Prisoner,</i> I challenge him. |

William Mitchell was called, and a certificate of bad health was produced, from Mr Cheyne, a surgeon; Mr Mitchell was accordingly excused by the Court.

Adolphus Scales.—He was from home when summoned. There is a letter from his brother, that he had been absent for three weeks.

Q. (To the summoning officer, Andrew Scott.) Did you leave a summons at Mr Scales's house?

Mr Scott. Yes.

Q. What number is it?

Mr Scott. I will tell you. No. 15, summoned the 28th of August last.

Q. Was he at home?

A. No.

Q. You left it with the servant?

A. Yes. (No further notice was taken by the Court.)

Patrick Inglis. A melancholy event had prevented his attendance.

James Mansfield did not answer.

|                 |       |               |   |
|-----------------|-------|---------------|---|
| David Clark     | - - - | was sworn in, | 1 |
| William Hunter  | - - - | was sworn in, | 2 |
| James Mitchell  | - - - | was sworn in, | 3 |
| John Scougall   | - - - | was sworn in, | 4 |
| William Sibbald | - - - | was sworn in, | 5 |

John

|                    |   |   |   |               |    |
|--------------------|---|---|---|---------------|----|
| John Horner        | - | - | - | was sworn in, | 6  |
| Thomas Hutchinson  | - | - | - | was sworn in, | 7  |
| Archibald Campbell | - | - | - | was sworn in, | 8  |
| George Kinnear     | - | - | - | was sworn in, | 9  |
| William Frazer     | - | - | - | was sworn in, | 10 |
| John Andrew        | - | - | - | was sworn in, | 11 |
| William Lamb       | - | - | - | was sworn in, | 12 |

*Clerk of Arraignment.* Count these.—He then called over the names of the Jurors sworn;—they were accordingly counted:

*Clerk of Arraignment.* Cryer, make proclamation.

*Cryer.* Oyez!—If any one can inform my Lord the King's Advocate General, or this Inquest now to be taken, of the High Treason whereof the prisoner at the Bar stands indicted, let them come forth, and they shall be heard, for now the prisoner stands at the Bar upon his deliverance; and all others that are bound, by recognizance, to give evidence, against the prisoner at the bar, let them come forth and give their evidence; or else they forfeit their recognizance, and all Jurymen that have been called, and have appeared, and are not sworn, may depart the Court.

*Clerk of Arraignment.* Robert Watt, hold up your hand. (which he did.)

*Clerk of Arraignment.* (to the Jury.)

Gentlemen,—You that are sworn, look upon the prisoner, and hearken to his charge.—He stands indicted by the name of Robert Watt, late of Edinburgh, in the county of Edinburgh, not having the fear of God in his heart, nor weighing the duty of his allegiance, but being moved as a false traitor against our Lord the King, and wholly withdrawing the cordial love, and true and due obedience, fidelity and allegiance, which every true and faithful subject should, and of right ought to bear towards our Lord the King, and wickedly, maliciously, and traitorously contriving to break and disturb the peace, and to change, subvert, and overthrow the government happily established in this kingdom, and to excite, move, and raise insurrection and rebellion,

lion, and to depose our Lord the King from the government of Great Britain, and to put him to death, on the first day of March last, and on divers other days.

The first overt act is, that he, on the first of March, did maliciously, wickedly, and traitorously meet, conspire, consult, and agree to cause and procure a meeting of divers subjects, to be assembled and held, within this kingdom of Great Britain, under the name of a Convention, for the purpose of assuming to themselves, at such meeting, the powers of Government and Legislation over this kingdom, (independant, and in defiance of the authority, and against the whole of the Parliament of this kingdom,) and of subverting and altering the rule and government, and deposing our Lord the King from the government and royal state.

The second overt act is, that he met, and consulted to instigate, incite, encourage, and persuade the subjects of our Lord the King to cause and procure divers meetings and assemblies, for the purpose of choosing delegates from among themselves, to meet in a meeting, under the name of a Convention, to be held for the purpose of assuming to themselves the powers of Government and Legislation, and of deposing the King.

The third Overt Act is, that he met and assembled to chuse a Convention to be held, the object of which was to redress national grievances by usurping to themselves the powers of Government and Legislation of this Kingdom, in defiance of the authority of Parliament.

The fourth Overt Act, is consulting to bring about in such a Convention to be held without the consent of Parliament, an alteration and change in the mode of representation, and instigating and inciting persons to send Delegates to such Convention for the same purpose.

The fifth Overt Act, that he conspired with other false traitors by force to oblige the King to alter the measures of Government, and to comply with certain unlawful demands, propositions, and measures to be thereafter made by him, relating



lating to the King's administration of the Government of this kingdom.

The sixth Overt Act is, that he conspired to raise and make insurrection and rebellion against our Lord the King.

The seventh Overt Act is, that he conspired to oblige the King by force to comply with certain demands to be made by him, and consent to the introduction of regulations and measures respecting the Government of this Kingdom.

The eighth Overt Act is, that he conspired, consulted and agreed with other false traitors, to seize and take the Castle of Edinburgh into his possession by force of arms, with guns, pikes, spears, battle axes, and other offensive weapons, and to provide leaders to be appointed and instructed by him, and to lay in wait and surprize the forces of our Lord the King, stationed in the said Castle of Edinburgh, and to attack and fight them, and to take into his possession by force the public Barks and Excise Office, and to seize and imprison the Justice Clerk, the Lords of Council and Session and Justiciary, and the Lord Provost of Edinburgh.

The ninth Overt Act is, that he did instigate and incite divers subjects of our Lord the King, to consent to, and approve the last mentioned traitorous proposals, and to aid and assist him in effecting and carrying the same into execution.

The tenth Overt Act is, that he conspired and consulted with other false traitors, to procure arms for the purpose of arming himself and others to enable him to resist the King in the legal exercise of his Royal power and authority.

The eleventh Overt Act is, that he conspired to raise and levy money, the better to carry into effect his traitorous purposes aforesaid.

The twelfth Overt Act is, that he composed, printed, published and dispersed certain malicious, wicked and treasonable papers and addresses among the subjects of our Lord the King, inciting them to contribute and subscribe money for the use of him and other false traitors, and to appoint Collectors to collect and receive such money, and

to remit and pay the same to him, with intent that such money should be accounted for and disbursed in such way as should be most calculated to make and raise insurrection and rebellion against the King.

The thirteenth Overt Act is, that he hired and employed John Fairley to carry and disperse such papers as last aforesaid, and delivered him a great quantity for that purpose, with intent to incite the subjects of our said Lord the King, forcibly to resist the King in the exercise of his authority, and to assist in prosecuting an attempt to be made to subvert the Government.

The fourteenth Overt Act is, that he instructed the said John Fairley to instigate and incite the subjects of our said Lord the King, to give assurance and support, and to remit such money as should be collected to him.

The fifteenth Overt Act is, that he employed the said John Fairley to instigate and incite the subjects of our said Lord the King, to procure arms, and to arm themselves to resist the King, and to aid and assist him in subverting the Government.

The sixteenth Overt Act is, that he employed William Brown to make and procure arms for arming himself and other false traitors, and paid them money for the same.

The seventeenth Overt Act is, that he employed Robert Orrock to make arms for the same purpose.

The eighteenth Overt Act is, that he continued and got into his possession arms, and kept them concealed in his dwelling house, in readiness to be made use of for the traitorous purposes aforesaid, against the duty of his allegiance, against the form of the statute in such case made and provided, against the peace of our said Lord the King, his Crown and dignity.

Upon this indictment he hath been arraigned, and thereunto hath pleaded not Guilty, and for his trial hath put himself upon God and the country, which country you are. Your charge is to enquire whether he be guilty of this High Treason whereof he stands indicted or not guilty; if you find



him guilty, you are to enquire whatgoods and chattels, lands and tenements he had at the time the High Treason was committed, or at any time since; if you find him not guilty, you are to enquire if he fled for it, you are to enquire of his goods and chattels as if you had found him guilty; if you find him not guilty, and that he did not fly for it, you are to say so and no more, and hearken to the evidence.

*Mr Dundas.*—Gentlemen of the jury;

This is an indictment against the prisoner at the bar for High Treason. As the officer has read the several Overt Acts of High Treason, and the several acts of the defendant, to carry into effect his treasonable purposes, it becomes necessary for me to do no more than state the substance of this indictment, which, if I do not deceive myself, I shall be able to state in almost one sentence.

The indictment states that the prisoner conspired to endeavour to call a Convention, which Convention was to usurp the powers of legislation in this country, and to take into their own hands the redress of certain national grievances which this defendant alledged to exist. The indictment states that the defendant has conspired to procure arms to be placed in the hands of the subject against the Sovereign, to resist the exercise of Royal authority, to compel his Majesty to change the measures of his government, to force him to adopt such plans and such schemes as to this defendant and his associates it might seem expedient to propose.

Gentlemen, That I may not waste your time, as the task of explaining the law devolves into the hands of a person better qualified, I will state, finally, Gentlemen, that the defendant had conspired with other associates, to concert measures to overawe and restrain the conduct of the Government, and to endanger the person of his Majesty, which, as the language of the indictment, and which the law states, is to compass and imagine the death of the King—To this indictment the defendant has pleaded not guilty. You will hearken to the evidence, and give your verdict accordingly.

*Mr*



*Mr. Anstruther.* My Lords ; and Gentlemen of the jury ;

It is my duty upon the present occasion, to lay before you the state of the case which the Counsel for the Crown think they shall be able to prove against the prisoner at the bar.

In doing this, Gentlemen, it will be necessary for me to bespeak a considerable portion of your attention, and that of the Court ; because such has been the happy state of this country, such has been the peace and prosperity with which this nation hath been blessed, under that constitution which the prisoner at the bar is charged with attempting to overturn, that the law of treason lives not in the experience of any of us. It is now nearly half a century since, in this country, there was occasion to bring any person to trial for such an offence. It is therefore necessary for me to state to you fully, and explain to you distinctly what the law is which we charge the prisoner with having committed a breach of, and then I shall lay before you, those facts which we mean to prove as breaches of that law.

In doing this I have already stated I shall have occasion to request a considerable portion of your patience, because I possess none of those powers of oratory which could engage your attention for the length of time which it may be necessary to consume. If I did possess any such powers, Gentlemen, I should abstain from the use of them upon the present occasion. It is not my duty ; I am not sent here for that purpose ; and I am sure I should ill execute the trust which is reposed in me, I should ill perform the duty which I owe to the Sovereign whom I serve, if I endeavoured to excite your passions against the prisoner at the bar. It is my duty to give you a plain and dry statement of the law ; it is my duty to give you a succinct narrative of the fact, accompanied with such observations as may be necessary to explain those facts and that law to you, and there my duty for the present ends.

You all know that the law of treason has been, since the beginning of this century, the same both in this country and in England. After the union of the two kingdoms, it was thought wise and expedient, that as we all owed the same duties to our Sovereign, the measure and extent of those

duties should be one and the same in all parts of the kingdom. As we serve one master, as we obey one Sovereign, and are living under one legislature, it was thought proper, not only that we should have the same duties to perform, but that the same modes and means of trial and punishment for the breach of those duties should take place in both countries. Therefore I am under the necessity of stating to you the law of treason, as it exists in the law of England, because the law of England has been the law of Scotland upon that subject for near a century past. And give me leave to remind you, that it was a wise and beneficent act to the subject which extended the English law of treason to this country. I need not tell the learned bench I address, I need hardly tell any man of common education who hears me, that the law of treason as it existed in Scotland, anterior to the happy period I am speaking of, was a law infinitely more severe, infinitely more oppressive and more hard upon the subject than the law that existed in England at the same period. We are therefore indebted to the wisdom, to the beneficence, and to the humanity of that legislature which extended to us the advantages already enjoyed by our fellow subjects in the other end of the island.

Gentlemen, the law of treason lies in a short compass; it has existed merely in its present form in England ever since the reign of Edward the III. when it was reduced to a certainty, and stated in a short Act of Parliament, which has been little altered from that period to the present day. That act states three distinct species of treason, independant of that species of treason which has no connection with the present case, namely, counterfeiting the coin. The first is compassing and imagining the death of the King. The second is levying war against the King. The third is adhering to the King's enemies: whoever shall be found guilty of any of these three species of offence is guilty of treason.

With the two last of these, it will not be necessary that I should trouble you at all. Levying war against the King is not the offence which the indictment charges against the prisoner,



prisoner at the bar, neither is the adhering to the enemies of the king the offence you are now to try.

The single species of treason charged against the prisoner at the bar, is compassing and imagining the death of the King.

Gentlemen, the charge I say, is compassing and imagining the death of the King. You cannot but take notice of the singularity of the phrase which constitutes the crime in this instance.

Compassing and imagining the death of the King—that is, he who intends, he into whose imagination it enters, he who conceives the design of destroying the Sovereign upon the Throne is guilty of the crime. It is the intention and imagination of the person upon which the law affixes the guilt. And therefore it is that the law uses the phrase—compassing and imagining the death of the King.

Gentlemen, the law has been thus cautious and thus anxious to preserve the life of his Majesty, because the law knows the danger to which we must all be exposed; the law knows the bloodshed and ruin into which this country must be involved, if such compassings and imaginations take effect, and therefore has gone beyond its usual limits in its care for the preservation of the person of his Majesty, and has fixed the crime upon the intention and not upon the act done.

But whilst it has been thus cautious and thus anxious to preserve the life of his Majesty, whilst it has gone the length of fixing the crime upon the intention of the person, it has been equally anxious for the life of the subject; and tho' it says the intention of the subject is the crime it punishes, yet it does not rashly or lightly collect that intention; it does not gather the imagining the death of the King from loose or vague suspicion; for the statute of Edward III. says, "no man shall be found guilty of compassing or imagining the death of the King, unless he be proveably attaint by open deed, before men of his condition." Therefore it is necessary that I should explain to you what that open deed is, or what



what it is which is called in the language of the law, an *Overt Act of High Treason*. Every indictment must contain in it the overt acts charged upon the prisoner, and the truth or the falsehood of those now stated you are to try.

Gentlemen, an *Overt Act of High Treason*, is the means that are used for effectuating the purpose of the mind. If a person barely conceives the idea of compassing and imagining the King's death, that is not treason, but it becomes treason, and punishable as such, the moment he employs any means, whatever they may be, to effectuate the purpose of his mind; what the law calls an *Overt Act* in its own language, is then in common language, no more than the means the person takes to effectuate the purpose of his heart. And the overt acts stated to you in this indictment, are the means which we charge this defendant has employed to carry his intention into practice. Gentlemen, you have heard the phrase compass and imagine the King's death. Now, you are not to suppose from this that it is necessary for me to state some direct or positive design to poison or assassinate the King, or put an end to his life by any direct method. It is not necessary I should prove an attempt to assassinate or destroy him directly, because I have told you the crime is in the imagination of the person, and the overt act is the means used to carry it into effect. If he intended to do that which, in its natural consequence, endangers the life of the King; if he used means to accomplish a purpose which placed his Majesty in a situation of peril, and those means be stated in the indictment, he must be found guilty; for men shall not be allowed to attempt to place the Sovereign in such situations, and then say they did not compass the death of the king, because they did not intend the natural and necessary consequences resulting from their acts.

Therefore, if I produce evidence to satisfy you of such intention in the prisoner at the bar, and if I have charged in the indictment, and prove in fact what amounts in point of law, to means used to effectuate that intention, and that purpose, it will be your duty to find him guilty.

These

These are not my ideas, these are not my words, these are not my explanations of the law ; for standing in the situation in which I stand, in the peculiar circumstances in which I am now addressing a Jury of my countrymen, I should feel myself highly criminal indeed, Gentlemen, if I stretched the law one word beyond its fair bearing. I wish you to take no construction of mine into your consideration. I will prove what I have said to be the law by the opinions and writings of able and skilful men, at all periods of our constitution, and by the words of learned and wise judges at different times upon different trials.

Gentlemen, Mr Justice Forster, one of the best writers upon the Criminal Law of England, and a man not more famous for correctness and elegance of writing, than for the love of liberty and the constitution of his country says, " The care the law hath taken for the personal safety of the King is not confined to actions or attempts of the more flagitious kind, to assassination or poison, or other attempts directly and immediately aiming at his life ; it is extended to every thing wilfully and deliberately done or attempted, whereby his life may be endangered." He goes on to say, " And therefore the entering into measures for deposing the King, or imprisoning him, or to get his person into the power of the conspirators ; these offences are overt acts of treason within the branch of the statute ; for experience hath shewn, that between the prisons and the graves of Princes, the distance is very small." But Gentlemen, he don't even stop here, for he goes on to tell you, " That offences which are not so personal to the King as those already mentioned, have been with great propriety brought within the same rule, as having a tendency, tho' not so immediately, to the same fatal end." He puts this case, which in my opinion, illustrates the law better than any case I can state to you. The case he puts is this ; " A person entering into measures in concert with foreigners or others, in order to an invasion of the kingdom, or going into a foreign country, or even proposing to go thither to  
" that



“ that end, and taking any steps in order thereto ; these  
 “ offences are overt acts of compassing the King’s death.”  
 You will observe, Gentlemen, if the person abroad happened  
 to be a person who is at amity with the Crown of England,  
 the end it meant could not be for adhering to the enemies of  
 the King, because in truth the persons adhered to were not  
 enemies of the King ; but says Mr Justice Forster, “ Men who  
 “ do such acts ought to be, and may be, and many persons  
 “ upon such a case, have been indicted and found guilty of  
 “ compassing and imagining the death of the King. Why ? be-  
 “ cause those acts have a manifest tendency to endanger the  
 “ person of the King, and therefore upon the clearest prin-  
 “ ciples of substantial and political justice are brought with-  
 “ in that species of treason of compassing the King’s death,  
 “ *ne quid detrimenti respublica capiat.*”

These are the words of this learned judge. And upon his  
 authority I state, that if I should lay before you any thing  
 that has a manifest tendency to endanger the person of the  
 Sovereign, it will be your duty to find the prisoner guilty of  
 this species of treason. This is not the language of Mr  
 Justice Forster only ; and Gentlemen, you will excuse  
 me for being a little tedious upon the present occasion, be-  
 cause I am anxious every thing should be fully and perfectly  
 understood. I am anxious to bottom myself upon the autho-  
 rity of great and approved writers ; if it be thought that I  
 am going too much over the same ground, the novelty and  
 singularity of this case will, I hope, be an apology with you  
 and the Court. This is not only the language of Forster in  
 George 2d’s time, but the language of Lord Chief Justice  
 Hale himself, the greatest and best judge that ever sat in  
 England in Charles 2d’s time ; he tells you “ Though the  
 “ conspiracy be not immediately and directly, and expressly  
 “ the death of the King, but the conspiracy is of something  
 “ that, in all probability, must induce it, and the overt act is  
 “ of such a thing that must induce it ; this is an overt act to  
 “ prove the compassing of the King’s death,” which is high  
 treason, in his language. Therefore, if I prove a conspiracy  
 by

by the prisoner at the bar, that in all probability, might induce the death of the King, that is high treason in the language of this great master of the law. In another part of his book he tells us, " An assembly to levy war against the King, either  
 " to depose, or restrain, or enforce him to any act, or  
 " to come to his presence, to remove his Counsellors or  
 " Ministers, or to fight against the King's Lieutenant or Military Commissioned Officers, is an overt act proving the  
 " compassing the death of the King; for such a war is directly against the very person of the King, and he that  
 " designs to fight against the King, cannot but know at least  
 " it must hazard his life."

Gentlemen, the same is the language of all the writers of all periods of time; it is the language of Serjeant Hawkins in his correct treatise of the Crown Law of England. " Such  
 " compassing the King's death may be manifested, not only  
 " by overt acts of a direct conspiracy to take away his life,  
 " but also by such as shew such design as cannot be executed  
 " without the apparent peril thereof." What I have to conclude with is, if, in the language of Forster, I state any thing deliberately done, whereby the person of the King may be in danger,—if I state any facts of manifest tendency to endanger the Royal life,—if, in the language of Hale, I state any thing that in all probability must induce the death of the King,—if, in the language of Hawkins, I shew any design that cannot be accomplished without apparent peril of the life of his Majesty, then, if I prove the facts against the prisoner at the bar, it will be your duty to find him guilty.

Gentlemen, in trials of this sort, persons standing in the situation of the prisoner, have often set forward a species of defence arising from a supposed construction of the law, upon which it is necessary I should say a few words. It has often been said, upon trials of this sort, that a conspiracy to levy war (I wish the Jury would mark my words) a conspiracy to levy war, is not High Treason. Now, Gentlemen, most unquestionably, in some sense, that proposition is correctly true. If the prisoner was indicted for levying war



against the King, most unquestionably he could not be found guilty of High Treason unless war was actually levied. Under such an indictment, for the species of treason for levying war against the King, a conspiracy to levy war would not be either an overt act in itself, nor would it be admissible in evidence, because the crime charged upon the prisoner is levying war against the King; and before he can be found guilty of that crime, war must be actually levied. The prisoner here is not indicted for levying war against the King, but for compassing and imagining the death of the King, which is the first species of treason; and under a variety of circumstances, a conspiracy to levy war may or may not be an overt act of compassing or imagining the death of the King. I have stated to you, that an overt act is the means used to effectuate the purpose of the mind. I have stated to you, that any means used to an end which has an apparent tendency to put the King's life in danger is an overt act of High Treason; and a conspiracy to levy war in many instances, and under many circumstances, may shew a design which has an apparent tendency to put the King's life in danger, or which cannot be executed without putting his person in peril.—If it is a conspiracy to levy war against the constitution of the kingdom, of which he is an integral part, if it is a conspiracy against the three branches of the legislature, how can that be a design which can be executed without apparent peril of his Majesty's life? I state this to you, because I know this is a point which has been started in different trials, in former periods of our history, and some quotations from books have been found to countenance the opinion, that a conspiracy to levy war is not treason. But I take the law to be, that it is an overt act of High Treason whenever the design is such as cannot be executed without apparent peril of his Majesty's life. Gentlemen, not to walk without authority, and being anxious to state nothing but what I can prove by great authority, I will take the liberty to state, that this is no new idea raised up to meet the case of the prisoner at the bar, but is as old as the constitution itself.

Gentlemen,

Gentlemen, very early in the reign of Queen Elizabeth, the principle was laid down, and from that period it has been followed up ever since. In the 13th of Elizabeth all the judges were consulted upon a case similar to the one I have stated to you from Mr Justice Forster; a subject of this realm being beyond sea, practised with the prince of a foreign country to invade this realm with a great power, and his practising declared by what means, and how and in what place the invasion should be, and if such an invasion should be, there were many subjects there who would assist and adhere to him, but there was no such invasion afterwards. The judges were of opinion that these offences were treason; for an invasion with foreign powers cannot be but of necessity it will tend to the destruction or great peril of the Prince. I give you the words of the report, and the principle which I take to be laid down is, that every thing which of necessity tends to the destruction or the great peril of the person of the Prince is, if an overt act be laid and proved, High Treason; whether a conspiracy to levy war, necessarily tends, if carried into effect, to the great peril of the Prince, will be according to the circumstances of that conspiracy; but if the conspiracy be such as is directly against the person of the Prince, or be such as is directly against the Government, of which he is a part, and which it is his duty to defend, it can hardly be contended that it is not such a design as puts the person of the King in great peril, and it is, if proved by an overt act, High Treason. The same thing is said by Lord Chief Justice Hale; I will use the freedom of reading his words. “ That  
 “ yet such a conspiracy, or compassing to levy war against  
 “ the King directly, or against his forces, and meeting and con-  
 “ sulting for the effecting of it, whether the number of the  
 “ conspirators be more or less, or disguised under any pre-  
 “ tence whatsoever, as of reformation of abuses, casting down  
 “ inclosures, particular or generally—Nay, of wrestling, foot-  
 “ ball playing, cock fighting—Yet if it can appear that they  
 “ consulted or resolved to raise a power immediately against  
 “ the King, or the liberty or the safety of his person, this con-



"gregating of the people for this intent, though no war be  
 "actually levied, is an overt act to maintain an indictment  
 "for compassing the King's death within the first clause of  
 "the statute of the 25th of Edward III. for it is a kind of  
 "natural or necessary consequence that the attempts to sub-  
 "due and conquer the King, cannot intend less than the tak-  
 "ing away his life." At other times, and by other judges, the  
 same thing has been said. Hawkins says, "That the levy-  
 "ing war against the King's person," (I rather chuse to give  
 them in other mens words than my own, which are more ac-  
 curate than any I can use;) Hawkins says, "That the levying  
 "war against the King's person, or the bare consulting to levy  
 "such war, or meeting together and consulting the means  
 "to destroy the King and his Government, or assembling  
 "with others and procuring them to attempt the King's  
 "death, or lifting men in order to depose the King,  
 "or printing treasonable positions, as that the King is  
 "accountable to the people, and that they ought to take  
 "the government into their own hands, &c. or publish-  
 "ing a book to prove that the King's Government is Anti-  
 "christian and heretical, &c. may be alledged as overt acts to  
 "prove the compassing the King's death." If I should prove  
 consulting, agreeing to levy war, and shew means used to  
 destroy the Government, of which the King is a part—if I  
 shew means used directly to destroy the constitution of the  
 country—I have laid before you a case of High Treason;  
 because, whether it be called a conspiracy to levy war or  
 not, I shall have laid before you the means used by the  
 prisoner at the bar, to effectuate his end, which end is such  
 a design as in its apparent and natural tendency must endan-  
 ger the life of the King, and cannot be executed without  
 apparent peril to the person of his Majesty. Therefore, if  
 you should, in the progress of this case, hear any thing con-  
 cerning a conspiracy to levy war, not being High Treason,  
 you will understand it under the restrictions, and in the  
 manner in which I have stated it; if that conspiracy be of  
 levying a war, which it levied, has a direct tendency to de-  
 stroy the life of his Majesty, there is no doubt such a con-  
 spiracy

spiracy is an overt act of High Treason, a proposition supported by every authority from the reign of Elizabeth to this hour in which I am speaking.

I wish, before I conclude this point, to state to you the law upon the subject of conspiracies to levy war, from the very highest authority ; because it is the only point, upon which I conceive any controversy can arise ; therefore, I wish to state it, not only from the dicta of writers of high authority, but to state it from the language of judges of the first eminence. Probably you have all heard of the fame of Lord Chief-Justice Holt, whose ability and integrity, at a period of life earlier, perhaps, than any one that ever filled that high situation, raised him in the glorious reign of King William, to the office of Chief-Justice of the King's Bench, which he filled with ability and integrity, that may have been equalled, but never surpassed, by any one that has sat there since. In the case of some persons who were tried for being concerned, more or less, in a plot for assassinating King William, this defence was set forward; and it was argued before him, that a conspiracy to levy war is not an overt act of High Treason : He says this,—“ And there is  
 “ another matter the prisoner at the bar insisted upon, and  
 “ that is matter of law; the statute of the 25th of Edward  
 “ the 3d was read, which is the great statute about Treason,  
 “ and that does contain divers species of Treason, and  
 “ declares what shall be Treason ; one Treason is the compassing and imagining the death of the King,—another is  
 “ the levying war.—Now, the prisoner says, there is no war  
 “ levied, and a bare conspiracy, or design to levy war, does  
 “ not come within this law against Treason.—Now, for  
 “ that I must tell you, if there be only a conspiracy to levy  
 “ war, it is not Treason, but if the design and conspiracy  
 “ be either to kill the King, or to depose him, or imprison  
 “ him, or put any force or restraint upon him, and the way  
 “ and method of effecting of these is by levying of war,  
 “ there the consultation, and the conspiracy to levy war for  
 “ that purpose is High Treason, though no war be levied,  
 “ for



" for such consultation and conspiracy is an overt act, pro-  
 " viding the compassing the death of the King, which is the  
 " first Treason mentioned in the statute of the 25th of  
 " Edward the 3d; for the words of that statute are : That  
 " if any man shall compass or imagine the death of the  
 " King ;—Now, because a man designs the death, depositi-  
 " tion, or destruction of the King, and to that design, a-  
 " grees and consults to levy war, that this should not be  
 " High Treason, if a war be not actually levied, is a very  
 " strange doctrine, and the contrary has always been held  
 " to be law.—There may be a war levied, without any de-  
 " sign upon the King's person, or endangering of it, which  
 " if actually levied, is High Treason, but a bare designing  
 " to levy war, without more, will not be Treason,—as for  
 " example, if persons do assemble themselves, and act with  
 " force in opposition to some law which they think incon-  
 " venient, and hope thereby to get it repealed, this is levy-  
 " ing of war, and Treason, though purposing and design-  
 " ing it is not so ; so when they endeavour, in great num-  
 " bers, with force, to make some reformation of their own  
 " heads, without pursuing the methods of the law, that is  
 " levying war, and Treason, but the purposes and designs  
 " of it are not so.—But if there be (as I have said to you)  
 " a purpose and design to destroy the King, and to depose  
 " him from his throne, or to restrain him, or have any  
 " power over him, which is purposed or designed to be ef-  
 " fected by war that is to be levied, such a conspiracy and  
 " consultation to levy war, for the bringing this to pass, is  
 " an overt act of High Treason; so that, Gentlemen, as to  
 " that objection that he makes in point of law, it is of no  
 " force, if there be evidence sufficient to convince you that  
 " he did conspire to levy war, for such an end."

- In the reign of George the 1st, on the case of a person  
 of the name of Laver, who was indicted for a conspiracy a-  
 gainst his Majesty, it was also attempted to be argued before  
 Lord Chief Justice Pratt, the then Chief Justice of the  
 Common Pleas, that a conspiracy to levy war was not High  
 Treason.

Treason.—He told the counsel, that the contrary had been decided, a hundred and a hundred times; that he did not sit there to overturn what had been determined at all periods of our constitution; that a design to levy war against the person of the King, or any design to put the King's person in peril, was High Treason, let whatever opinions have been to the contrary.—Therefore it is, that at all periods of our constitution, a design, or conspiracy to raise an insurrection within the kingdom has been held an overt act of High Treason; because, if raised, it must put the King's person in peril.—If I were to go over the numberless indictments in books which now lie before me, I could show you hundreds of them, where a conspiracy to raise an insurrection has been in all times, and by all means, uniformly laid down to be High Treason.

In Layer's case, it was laid in the indictment, as an overt act of High Treason, that Mr Layer, in the county of Essex, did publish a paper, with a design to seize the Commander in Chief, the Tower, and Sir Robert Walpole and Lord Carteret, and some principal persons about the King.—The publication of that treasonable paper which said not a word about the person of his Majesty, was distinctly laid as an overt act of High Treason.—I know there were other acts laid in that indictment, as High Treason, but I know also, that that paper, published by Layer at Laytonstone in Essex, was laid, as an overt act of High Treason, separately and distinctly, and that paper, as proved by a person of the name of Lynch, did not contain a single word respecting the person of the King, and the Judges who tried it, and the counsel who drew it, and the counsel who defended Mr Layer, never doubted the publication of that treasonable paper, which contained nothing but a design to seize the Tower, to lay hold of the Commander in Chief, Sir Robert Walpole, and Lord Carteret, and the other Ministers of the King,—I say they never doubted that the publication of that paper alone was a sufficient overt act of High Treason; therefore, upon the whole of the matter, after making an apology for the  
the



the time I have been obliged to consume, if I can lay before you, any design, which, in its direct and natural tendency, would endanger the life of the King, and any means used for carrying it into execution, or any conspiracy for executing a design, which, if executed, would put the person of his Majesty in peril, these are overt acts of High Treason.

My Lords the Judges, when they come to state the law, will correct me if I am wrong, if I have over-stated in any particular, I should be sorry not to be corrected. I have endeavoured to be as accurate as I could; if I have not succeeded, my Lords the Judges will tell you, when they come to deliver their charge, in what I have done so.

Having said so much upon the law of the case, it is now incumbent upon me, to state to you the fact which I mean to bring within the law, only premising, that consulting and agreeing to such a conspiracy and plan as I have stated, is an overt act of High Treason, because such consultation and agreement are means taken by the prisoner at the bar, if proved against him, to effectuate the intentions of his mind; therefore, if I should lay before you, proof of such conspiracy, or if I should lay before you, proof of the prisoner at the bar's agreement to such a conspiracy, or his consulting for the purpose of executing such a conspiracy as leads to a design to put the person of the King in apparent danger, these are overt acts of High Treason in point of law; whether I shall prove them in point of fact, is for you to determine; I shall endeavour to state the facts to you as shortly as in my power.

Gentlemen, the facts which I have to lay before you, are not of a small conspiracy of a few obscure individuals, in an obscure corner of this metropolis; it is a conspiracy that has arisen indeed, from a small beginning, which at first put on the appearance of a desire to pursue legal objects, which has been carried on, by connection and conjunction with the seditious persons in this and other parts of the country, which has been fostered by means of clubs, which has been raised by means of committees, which has been carried on by the means

means of the circulation of various seditious papers, industriously spread through the country, by seditious and treasonable societies, both here and elsewhere, and which at last, from small beginnings, has grown into a design to overthrow the constitution of the country, and which, but for the vigilant interference of the magistrates appointed by the constitution of the country, to guard the public peace, was nearly being carried into execution, and might, in its direct consequences, and immediate tendency, have deluged this kingdom, from the one end to the other, with blood. Such is the conspiracy I mean to charge upon the prisoner at the bar;—sorry I am to be obliged to state and prove it, but such is the nature of the crime I mean to prove; and in doing this, I shall first state to you, the plan and conspiracy itself, and then lay before you, the part which the prisoner acted in it, when and how far he acceded to it, and the means he used to render it successful and carry it into execution.

You must know there have been for some time past, in this country, meetings calling themselves by various names, and assuming various forms, but in general, calling themselves, or miscalling themselves, by the name of—the Friends of the People.

You are not ignorant, that their first object, their first pretended object at least was, to petition Parliament to obtain what they call a reform in the representation of the people.—You are not ignorant, Gentlemen, that these petitions, whether they were presented really to obtain a reform, or whether they were presented for the purpose of being rejected, I don't know, but you are not ignorant that these petitions did not procure that redress which the petitioners desired.—Soon after, early in the year 1793, a new scheme, and a new plan took place.—The first piece of evidence which I shall lay before you, is the beginning and commencement of that plan, in order to show you where it began, and how it grew to the magnitude to which it afterwards attained.—The first dawnings of the plan I have to



lay before you, will be found in a letter which was sent to this country, by a person of the name of Hardy, who was secretary to a seditious society in London, of great magnitude.—Hardy wrote to a person every body knows in this country, one Skirving, informing him,—“ Our petitions, “ you will have learned, have been all of them unsuccessful; our attention must therefore be turned to some more “ effectual means; from your society we would willingly “ learn them, and you, on your part, may depend upon our “ adopting the firmest measures, provided they are constitutional ”—To this letter Mr Skirving returns an answer, and points out what he thought were more effectual means.

*Mr Hamilton.*—My Lord President, as the counsel has said nothing yet upon these letters, your Lordship will decide whether it is fit to read letters of any kind if they are not to be used as evidence.

*Mr Anstruther.* They are to be read as evidence. I do not mean to state to you the contents of a single paper which I do not mean to use in evidence.

*Mr Hamilton.* I submit to your Lordship if it is proper to read those letters.

LORD PRESIDENT, (to the jury). Gentlemen, You will not pay any attention to letters, unless they be afterwards regularly proved before you.

*Mr Fletcher.* In this part of the business, the jury should abstain from taking notes of any thing that passes.

*Mr Anstruther.* At present it is my duty to state the evidence I mean to lay before you. I shall state the contents of no letter, and the words of no paper which I do not mean to prove; but as the letters and papers make a part of my story, and I cannot state the case without I state the contents of the letters, I rather chuse to do it from the words of the letters themselves, than state the purport from any recollection of mine.

Gentlemen, I have told you the first letter written upon this subject, was a letter which talked of more effectual means.

In answer to that letter, the person to whom it was addressed, whose character and situation I will prove to you, and whose hand writing I will also prove, returned an answer to his correspondent in London, in which he perfectly agrees with him, that more effectual means of reform were now to be turned to. He then goes on to state, that the meetings in England are what he calls an Aristocracy for the good of the people; but the meetings in Scotland are the people themselves. He then states, that he foresaw the downfall of the whole of this Government, and that they in this country had at once perfected the plan of their organization; and the reason of perfecting the plan of their organization was, that when that time came they might be ready to act with unanimity, and not be occupied about organization, without which however anarchy must ensue. The letter will be laid before you, and in that letter you will see the first dawnings of a meeting which calls itself a Convention. It was no wonder, Gentlemen, that they turned their eyes to this instrument, as more effectual than petitioning; they had seen the powerful effect of a Convention in other countries, and they therefore turned their eyes to it as a more effectual means of a reform; and I grant it would be more effectual in carrying on this plan than any petition whatever. You will see throughout the whole of this letter I have to lay before you the first project of a Convention; you will see that a meeting was not intended for the purposes of reform, by petition to Parliament, or by legal means; when the Government of this country was to be dissolved and be at an end, an event they looked to not only as certain, but desirable, then the gentlemen were to be ready with their plan of organization; then they were to act as a Convention assembled from, and representing, all parts of the Kingdom. These papers, I say, contain the first project of calling a Convention of the people of this country; the only observation I shall make on them is this, that you will see from them it was not the intention of the persons calling themselves a Convention, it was not the intention of these persons



to proceed by petition to Parliament, but their intent was to proceed by their own force and authority, and not by the means of the legal organs of this Constitution; to proceed by their own will, and not by that of the legal Government of the country, to supercede the legislature in all its functions, and to have recourse to means of reform, to use their own words, more effectual than petitioning. If their design was to proceed by their own authority, and that design is proved to you,—if their design was to take into their hands the Government of the Country, or to supersede for ever, or a time, the existing Government of the Country; these are designs which could not be effected without apparent danger of the King's life, and I have no scruple to say, are High Treason: whether such a design be proved in the sequel of this trial, will be a matter for you to consider.

Gentlemen, soon after this plan was formed, a body, unknown to this Constitution, met in Edinburgh, calling itself a British Convention; at first it did not assume that name, but it met towards the latter end of last year, composed of persons deputed from different parts of this Kingdom, of different societies in England and Scotland; its views and objects, its plans and intentions you will have to judge of. If, upon the whole matter, you shall be of opinion its views were legal, if the means intended for the execution of those views were peaceable and constitutional, then there is no harm in that Society; but, if you should be of opinion upon the whole matter, that its views were unconstitutional and illegal, that the means by which they intended to carry those objects and views into execution, were to supersede the legislature of which his Majesty is a part, to carry on its plans by its own force, power and authority; it is nothing more nor less but an intention to supersede the legislation, to take into its hands the power of Government, and at least for a time, to depose and put aside his Majesty from the legal authority vested in him by the constitution: whether that was the purpose of the Convention or not, will be for you to judge. I shall point out some of its acts.

Gentlemen,

Gentlemen, when this meeting was formed, I have said it was attended by persons from various parts of this kingdom, some from England and some from Scotland ; and I must call your attention to a part of the instructions from the London Corresponding Society, to which Hardy, the writer of the first letter I have mentioned, to Margarot and Gerald, their delegates, was Secretary, dated the 24th of October 1793. These instructions will be proved ; they contain a direction to those delegates to resist the authority of the legislature : in case the legislature should do a particular act. Sect 7. of these instructions, states, " That it is the duty  
 " of the people to resist any Act of Parliament repugnant  
 " to the original principles of the Constitution, as would be  
 " every attempt to prohibit associations for the purpose of  
 " reform." Is this any thing more or less than a resolution to resist the legislature of this country in the exercise of its authority, a conspiracy to intimidate the legislature from acting fairly in the execution of its duties, and a determination to set at defiance King, Lords and Commons, and the law itself, and to resist their authority, if they did not act, as this self created Convention might think, constitutionally. With these instructions their delegates came down to this country ; when they arrived, this Convention formed itself upon the model of another Convention in another country, and took the name of the British Convention, and formed itself into departments ; it used all the cant phrases and forms used in France, had its sections, its departments, granted honors of the sitting ; had its primary assemblies and provincial departments, and absurdly dated its minutes, First year of the British Convention one and indivisible. I know you may be told, because juries have been told, there is no harm in using French phrases, there is no harm in using cant names. Taking that as an abstract proposition, it is unquestionably true ; but you that are set there to judge of the views, intentions, and plans of men ; you can judge of the intentions of men by no other means than by the acts of men ; therefore if you see men adopting the acts, following the plans and schemes, and taking the names and  
 forms



forms of particular societies of a particular description, I do not think you will have much difficulty in drawing the inference, what the views and objects of these men are. It is not from names and forms alone you will collect the views and intentions of this assembly; you will find these men, after they took the name of the British Convention, discussing and settling the plan for the meeting of future Conventions in other circumstances and places, as if a Convention was to be a permanent body in the legislature of this country; in the early part of it, before it had assumed that name, motions were made, some for the purpose of petitioning Parliament for a Reform; and what I would call your attention to is this, that from the moment it assumed the name of the British Convention, all idea of petitioning Parliament for a Reform was abandoned; whenever proposed, the order of the day followed; whenever hinted at, it was negatived. After this Convention had proceeded some steps farther, after it had assumed the form which I have described, after it had done the acts which shall be given in evidence to you, and from which you will be able to judge of their intentions and views, some resolutions were proposed and adopted with a singular and extraordinary degree of solemnity, too bold even for the Convention itself to venture to place them upon their minutes. Whether this resolution amounts to proof of a conspiracy to resist the legislature of this kingdom, and to resist and oppose the laws of this country, will be for you to judge; to me it seems decisive evidence of a design not to rest satisfied with the wholesome laws of their ancestors, not to petition the Houses of Parliament, or apply for redress by legal and constitutional means, but a settled conspiracy to oppose every act of Parliament that should militate against what they should please to call the constitution of these kingdoms, and not only to proceed in their conspiracy, until compelled to desist by superior force, but to provide a means of resistance and a mode of rebellion, in case the exertions of legal authority and the constitutional powers of the executive magistrate should

should disperse and scatter them. Some of the resolutions I allude to, I will read to you.

“ Resolved, that the following declaration and resolutions be inserted at the end of our minutes, viz.

“ That this Convention considering the calamitous consequences of any act of the Legislature which may tend to deprive the whole or any part of the people of their undoubted right to meet, either by themselves or by delegation, to discuss any matter relative to their common interest, whether of a public or private nature, and holding the same to be totally inconsistent with the first principles and safety of the society, and also subversive of our known and acknowledged constitutional liberties, do hereby declare, before God and the world, that we shall follow the wholesome example of former times, by paying no regard to any act which shall militate against the constitution of our country, and shall continue to assemble and consider of the best means by which we can accomplish a real representation of the people and annual election, until compelled to desist by superior force.

“ And, we do resolve, that the first notice given for the introduction of a Convention Bill, or any bill of a similar tendency to that passed in Ireland, in the last Session of their Parliament ;

“ Or any bill for the suspension of the Habeas Corpus Act, or the act for preventing wrongous imprisonment, and against undue delays in trial in North Britain ;

“ Or, in case of an invasion, or the admission of any foreign troops whatsoever into Great Britain or Ireland ;

“ All, or any one of these calamitous circumstances shall be a signal to the several delegates to repair to such place as the Secret Committee of this Convention shall appoint ; and the first seven members shall have power to declare the sittings permanent ; shall constitute a Convention, and twenty-one proceed to business.”

These resolutions are of such a nature, that hardly a man who hears me, can doubt that they disclose a conspiracy to disobey



disobey the legislature in the execution of its duty, a conspiracy to be carried on and supported by force; they say, they will resist until compelled to separate by *superior force*; force superior to what? force superior to that force which they had to bring against it;—how is it possible to construe these words, without being of opinion that they point directly to supporting their designs by arms, and that they were determined to meet in spite of the law of the country, till the fate of battle should decide who was to have the rule of this nation—Now, let me ask whether this be any thing short of a conspiracy against the constitution of this kingdom, and whether it be not a design which could not possibly be carried into effect, without apparent peril to the life of his Majesty? If it was successful for an instant, he was in fact deposed from his throne, his authority as King gone, and the constitution he has sworn to defend, and which it is his duty, as I am sure it is his wish to support, at the hazard of his life itself, absolutely annihilated. But it does not stop here, there is a farther part of the conspiracy, to which I must call your attention. “This Convention doth therefore resolve, that every delegate, upon return home, do convene his constituents, and explain to them the necessity of electing a delegate or delegates, and of establishing a fund without delay, against either of these emergencies, for his or their expences, and that they do instruct such delegates to hold themselves in readiness, at one hour’s warning.” It is necessary to call your attention to this, not only because you will find the prisoner at the bar, adopting this resolution, acceding to it, and acting under it, taking means to elect that delegate, taking means to prepare that fund to provide against the emergency stated in this paper; but, because it clearly points out the means that were to be used to render this conspiracy successful, funds were to be provided, leaders were to be elected, who were to be ready at one hour’s warning, to step forward whenever the event happened, which was to rouse them into rebellion against the law, the constitution, and the

the King. To every part of this resolution, I will shew the prisoner at the bar's complete accession, and I shall lay before you, all the means he took to carry it into effect; and what I have to charge upon him here, is a conspiracy to resist the legislature of this kingdom by force, and taking measures and providing means for carrying that conspiracy into execution. You are not ignorant that this meeting or convention was put an end to, and dispersed by the boldness and activity of the person who then held the situation of the first magistrate of this city, a person I am sure I need not name to you, one whose merit you are well acquainted with, and to whose conduct, on that occasion, his country is as much obliged, as perhaps it ever was to any person that ever filled that high station, I mean Provost Elder. I may be told, perhaps, what have I to do with this Convention at present, or what had the prisoner at the bar to do with it? It was dispersed and at an end; but I shall show you, that that Convention, although dispersed, was still alive; the resolution I have read, and another which immediately followed, and which was unanimously agreed to, is, that the moment of any illegal dispersion of the British Convention, should be considered as a summons to the delegates to repair to the place of meeting, appointed for the Convention of Emergency by the Secret Committee. These two resolutions provided against the event which took place, they kept alive the conspiracy in another form, and furnished the means of future rebellion. I shall prove to you, that the prisoner at the bar adopted those resolutions, followed out those plans, took means to collect that fund, and elect those delegates who were to set the Legislature at defiance, and provided and collected arms to render their plans successful, and their resistance effectual.—The British Convention being dispersed, a plan resulting from those resolutions, and grounded on the dispersion of the British Convention, took place in England, of calling a Convention there; the nature of that Convention I shall lay before you, and it is necessary I should, because it will explain to you the nature of that



Convention, to which the prisoner at the bar was to send a delegate, for the support of whom he was to provide a fund, and for the maintenance of which, he was to send money and collect arms. You will see, that although a similar plan had been in contemplation in England, although the societies there intended a Convention to be called, yet the immediate cause of that measure, the peculiar reason which made it in their idea more immediately necessary arose from the dispersion of the British Convention, and that the resolution I have just read to you was acted upon, and the conspiracy I have stated kept alive and proceeded on with vigor in both parts of the united kingdom. The first considerable meeting, after the period I am talking of, for the purpose of calling this new Convention in England, was held at a place called the Globe Tavern in London. There the London Corresponding Society, one of those factious societies which had sent delegates to the British Convention, met and came to certain resolutions for the purpose of calling another Convention; these shall be laid before you. I have only to state at present, that the leading feature of them was a resolution to call a general Convention, to take the Government of this country into their own hands, to form a Government of their own, independent of King, Lords, and Commons, and to frame their own laws and constitution. They say they must have a Convention of the people, and why? because they will have redress from their own laws, and not from the laws of their plunderers, enemies and oppressors. From the papers which will be laid before you, you will have no difficulty to discover who they mean by their plunderers, enemies, and oppressors; they mean neither more nor less than the King, Lords, and Commons of this kingdom; and if this be their meaning, you cannot doubt, that if they were to form their own laws, it was not by the authority of the Legislature of this country, but by their own power and authority. They were to procure their own laws, not by the medium of King, Lords, and Commons, but by forming laws themselves. The Convention, therefore, which they proposed to

call,

call, was meant to supersede the Legislative authority in the exercise of all its functions.

When you come to read these resolutions, flowing from the very society which sent delegates to Edinburgh, signed by the very person who signed the instructions to those delegates, it will be impossible for you, not to remark the singular and exact coincidence between these resolutions, and those of the British Convention I have read to you. The Convention is, (say they) rendered necessary, by the dispersion of that in Edinburgh. It is to meet on the same events, it is to resist the government on the same pretences, to assume the same powers, and to be composed in the same manner as the Convention proposed by the resolution I have read to you, and to such a Convention was the prisoner at the bar to send a delegate, for the support of such a body was he to provide a fund, and while the London Corresponding Society, and other bodies connected with the British Convention, were playing their parts in the other end of the island, the prisoner and his associates were not behind hand with them in this.

The next important step in London, was, at a place called Chalk Farm, where the same society met, and came to some resolutions, not very different from those of the British Convention, and as directly contradicting the authority of King, Lords, and Commons, in all their branches; and they there too declared that certain laws they will not abide by, they will not submit to, whether they have or have not the consent of Parliament.

Now, Gentlemen, I have stated to you a conspiracy, which has existed in this country, the tendency and object of which was, to supersede the authority of the Legislature, and to resist its decrees by force, after the dispersion of that meeting, by the spirit and exertion of the first magistrate of this city. I have stated to you the means that were taken, by those who had been sent delegates to that Convention, as it called itself, to call another Convention, to meet at another place; the nature of that Convention, when called, what it



was meant to be by those who meant to form it ; what its nature and purposes were, you will learn, from the incontrovertible evidence of their own resolutions, from which you cannot fail to see, that their object was to form laws for themselves, to support themselves by their own authority, to resist and repel, to supersede and destroy the authority of the Legislature of this Kingdom ; as the resolutions at the Globe Tavern, the resolutions at Chalk Farm in the neighbourhood of London, where they expressly resolved to resist certain laws, whether those laws took place with or without the consent of Parliament, distinctly mark out what it is they meant to destroy, and they meant to supersede ; they meant to supersede what they call the hereditary senators of this kingdom, they meant to supersede what they call the packed majorities of pretended representatives of the people, they meant to supersede the Legislative authority, and to raise themselves up, as the governing power of this country in its stead, to enact such laws as they thought proper, to disobey such as they disliked, without the least hint that they meant to leave the least trace of the Constitution, under which you now live, standing. If you shall be of opinion that this is the fair result of the papers I shall lay before you, if you shall be of opinion they meant to supersede the authority of the Legislature, and the authority of King, Lords, and Commons, you cannot doubt that this is such a design, which, if carried into execution, has a manifest tendency to put his Majesty's life in danger, in truth, it is nothing short of deposing the King from the throne, and putting an end to the authority of the government under which we live.

Such were the proceedings (which I don't state more at length, because they will be read to you) of those societies in London, which met for the purpose of calling a Convention.

While these proceedings were carrying on, and these resolutions adopted, letters, signed by the name of Hardy, were written, and dispersed all over this country, to incite the people to call another British Convention ; I mark these words,

words—calling together another British Convention—because, if I can show the prisoner acting upon this letter, or upon the resolution of the British Convention which has been read to you, of the nature of the Convention he meant to call, you cannot doubt it was to be another British Convention of the same nature, and tendency, and with the same views and objects as the first.—The letter speaks for itself; its meaning no man can mistake; I will read it to you without a comment :—

“ CITIZENS,

“ THE critical moment is arrived, and Britons must either assert, with zeal and firmness, their claims to liberty, or yield without resistance to the chains that ministerial usurpation is forging for them. Will you co-operate with us in the only peaceable measure that now presents itself with any prospect of success? We need not intimate to you, that notwithstanding the unparalleled audacity of a corrupt and over-bearing faction, which at present tramples on the rights and liberties of the people, our meetings cannot, in England, be interrupted without the previous adoption of a Convention Bill, a measure it is our duty to anticipate, that the ties of union may be more firmly drawn, and the sentiments and views of the different societies throughout the nation be compared, while it is yet in our power, so as to guide and direct the future operations of the Friends of Freedom.—Rouse then, to one exertion more, and let us show our consciousness of this important truth.—If we are to be beaten down with threats, prosecutions, and illegal sentences, we are unworthy, we are incapable of Liberty. We must, however, be expeditious; Hessians and Austrians are already among us; and, if we tamely submit, a cloud of these armed barbarians may shortly be poured in upon us. Let us form, then, another British Convention; we have a central situation in our view, which we believe would be most convenient for the whole island; but which we forbear



“ bear to mention, (entreating your confidence in this particular,) till we have the answer of the societies with which we are in correspondence. Let us have your answer, then, by the 20th at farthest, earlier if possible, whether you approve of the measure, and how many delegates you can send, with the number also, if possible, of your societies.

“ We remain yours,

“ In Civic affection,

“ THE LONDON CORRESPONDING SOCIETY,

“ T. HARDY, *Secretary*.”

“ For the management of this business, we have appointed a Secret Committee; you will judge how far it is necessary for you to do the same.”

I may here be told, what is all this to the prisoner at the bar? and if I was to stop here, I should be told truly; but it is necessary I should show to you, first, the existence of a conspiracy, the existence of a plan to supersede the Legislative power; and then, to show you the part the prisoner played in the execution of it: and Gentlemen, perhaps you may be surprized to hear that the prisoner at the bar had any share in such a conspiracy, but you will not be more surprized than I was, when I heard that he was at all concerned in carrying on a plan of this nature. For it is no less strange than true, that hardly so much as two years ago, the prisoner at the bar pretended to be a friend to the existing government of this country, and to be particularly interested in the safety and welfare of a person in a very eminent situation in this kingdom, known to you all. He pretended to have a particular regard, not only for the Constitution of his country, but to the person, and to the character of the respectable and illustrious person who fills the office of one of his Majesty's Secretaries of State; he pretended, I say, to be particularly interested in his welfare, and did certainly, about two years ago, write to him certain letters, offering

to give him information, respecting the proceedings of societies, who then called themselves by the name of the Friends of the People.

Gentlemen, it is unquestionably true that, that illustrious person (as it was his duty to do in his situation) did return an answer to the letter written to him by the prisoner at the bar; that letter will be read to you; it is such a letter as it was his duty to write, and it is such a letter as, being his duty to write, I am sure he would write; because in every situation which he holds I am sure he will do his duty to his Sovereign and to the public.

The answer from the Secretary of State informed him that he should be happy to have any information he thought it fit Government should know, leaving it to him to give what information he thought proper. After this period, the prisoner at the bar had some correspondence with my learned friend who sits next me, and some information he did give him respecting the proceedings of a Society which calls itself the Friends of the people, and some information he did give personally to Mr Dundas himself. What that was, as the prisoner has thought fit to subpoena my learned friend near me, when he is examined he will state; and the whole correspondence that took place between them, its nature, contents and limits, though he might shelter himself under his situation, and might demur till he knew the questions that might be asked him, he will state and lay before you. I have his authority for saying there is no question he will not readily answer that can be asked, or any correspondence which took place he will not lay before you, if he has it, if not, he will state to you its contents to the best of his recollection and belief.

Whether the prisoner conveyed true or false intelligence to my learned friend is not for me to determine; if he is examined he will state what that information was. That correspondence, such as it was, continued till some time about the middle of the year 1793. Anterior to the meeting of the British Convention, anterior to the treasonable conspiracy which I have stated to exist in this country, anterior



to those resolutions to resist the legislature and all legal authority, all correspondence had ceased between the prisoner at the bar and my learned friend. Why that correspondence ceased is not for me to say. I do not chuse to state to you either the applications which were made by the prisoner at the bar to my learned friend, or the consequences and event of those applications. Whatever they were, if the prisoner at the bar wishes them to be laid before you, my learned friend will state them to you fairly and fully. I say nothing more than this, that from the month of September last, or thereabouts, all communication, all correspondence of any kind ceased between the prisoner at the bar and my learned friend or the other Officers of Government.

Now, Gentlemen, it is my duty, and very short I shall bein stating to you the conduct of the prisoner at the bar, prior to the ceasing of the correspondence I have mentioned. I do not know that Mr Watt was a member of the meeting called the Friends of the People, and unless I can connect him with the acts of the British Convention, unless I can shew you his intention of calling another Convention, and the means he took to elect delegates and provide funds for their support, and connect him with the conspiracy formed in this country against the existing government of the state, I cannot call upon you for a verdict upon the first part of this indictment—But you know, and my Lords will tell you, it is not necessary for me to prove every overt act laid in the indictment ; if I prove only one of the overt acts laid in the indictment, if that be an overt act sufficient in law, it is your duty to find him guilty. For this I shall, before I proceed further, give you a direct and short authority. Mr Justice Forster says, “ if divers overt acts are laid, and but  
 “ one proved, it will be sufficient, and there must be a ver-  
 “ dict for the Crown ; and therefore though divers overt acts  
 “ are laid and the indictment is faulty as to some of them, it  
 “ shall not be quashed, because that would deprive the Crown  
 “ of the opportunity of proving other overt acts. that are  
 “ well laid.” If I prove that the prisoner took certain means  
 which

which in law are full evidence of his traitorous intentions and compassings, and which are laid in the indictments overt acts of High Treason, it is of no importance whether I fail in the proof of others or not; because I have then proved enough to support the verdict of Guilty—if I don't couple the prisoner at the bar with a conspiracy in this country, and if I don't couple the prisoner with a conspiracy in another country, it is your duty to find him not guilty, unless I prove against him other overt acts of High Treason laid in this indictment. I trust however I shall have no difficulty in proving him guilty of every part of it, as well as acting his part in the conspiracy to supersede and overturn the Constitution of the Kingdom by means of a Convention as in the more direct but not less flagrant and wicked plans and schemes set forth in the latter part of the indictment you are now to try.

As soon as the activity of the Magistrates and the force of the law had dispersed the British Convention, that body ceased to exist in the form of a Convention, but did not cease to exist in fact; for very soon after its dispersion, the Societies which had sent members to the Convention, and many of the members of the Convention itself, formed themselves into another body for the purpose, as I shall prove to you, of carrying into effect various objects of the British Convention, of keeping its spirit alive, and of calling another Convention similar to that which was just dispersed, the views and objects of which I have described to you; what name they took immediately after the destruction of this British Convention I cannot exactly tell, but I believe they called themselves the Committee of Correspondence, or a General Committee; but whatever might be the name of that Committee, the prisoner at the bar was a member of it, the nature of it will be proved to you by the witnesses. I state to you its objects to be to carry into effect the views and projects of the British Convention, to elect a delegate or delegates to send to another Convention that was to be called in England, and to provide a fund for defraying



the expences of those delegates. And now you will see the purpose for which I called your attention some time ago to the famous resolution of the British Convention. It was resolved that every delegate should, on his return home, take measures for procuring another delegate to be elected to represent their society in the ensuing Convention, and to provide a fund for the expences of such delegate. Such was the object of the British Convention, and such the object of the Committee. I state therefore that the General Committee or Committee of Correspondence, did meet in consequence of and for the purpose of carrying into effect the resolution of the British Convention. Mr Watt was a member of this Committee of Correspondence; he became a member of that Committee for the purpose of carrying into effect the resolution I have so often mentioned, acceding thereby to the whole contents of that resolution, and acceding to, and acting in the conspiracy to resist the legislature of the country, to repeal the law, to resist by force, and to elect another Convention to be called a British Convention to meet in England, with the views, under the circumstances, with the powers and for the purposes I have mentioned already. If I prove that Committee existing, and Watt acting in it, if I prove the British Convention destroyed in one shape and raised up in another, if I prove Watt acting upon these views, I prove him acting and acceding to the whole of what I stated. If that conspiracy be a traitorous conspiracy, and if the object of it was to supersede the legislature of the country, I have proved enough to implicate him in all the consequences of these acts, however fatal they may be. Soon after the Committee of Correspondence met, Mr Watt himself moved for the formation of a Committee of Union, the object of which was for the purpose of collecting the sense of the Friends of the People throughout Endinburgh, to further the views of the British Convention, to further the schemes planned by them, and above all, for the purpose of aiding and assisting in calling another British Convention to meet in England.

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You will remark I use the words another *British Convention*, because the prisoner, Watt, may possibly state to you that he meant by a Convention an innocent meeting, that he meant a Convention for the purpose of petitioning, that he meant a Convention for legal purposes, and to pursue its objects by ordinary means. I state to you, my Lords, and Gentlemen of the jury, and I trust I shall be able to lay before you evidence to satisfy you that Mr Watt could have no such objects in view, because he completely acceded to the resolution of the British Convention, which was a resolution to act by force, and to resist the authority of the legislature. He completely acceded to the calling another British Convention, the meaning of which he could not be ignorant of. You can hardly believe that a person would accede to the calling another British Convention, without knowing what the nature of that Convention was, without knowing its views and without having examined its objects. The only possible conclusion from the facts I have to lay before you is, that Watt acceded in calling another British Convention, and that he knew the nature of that Convention, that was so meant to be called by all those persons engaged in the conspiracy, to be what I have stated, and I trust I shall prove it to be a direct conspiracy against the government and constitution of this country.

The formation, or organization as they call it, of the Committee of Union, I shall lay before you ; and among other things, special care seems to be taken in the very beginning for the protection of the members of that Committee. Their powers are so large that I don't know what farther remained to be given ; their powers are thus described :  
 " As representatives the Committee of Union are invested  
 " with every power their constituents can claim. The will  
 " of the constituent, at the appointment of his representa-  
 " tive is, that he watch over his interest as a member of  
 " the community."——

Mr *Hamilton*. Mr Anstruther has stated a very considerable portion of the printed book which lies upon the table,



and is now going on with papers; but I do submit humbly to your Lordships, that the Jury's minds are not to be impressed with a repetition of evidence, which it is said is meant to be given. I say, the Counsel for the Crown are only entitled in this stage of the case, to state what is the substance they mean to bring forward; I take it they will mention none but what is intended to be brought forward; to state it generally is all they have a right to do, otherwise there would be a repetition of it, which I understand to be contrary to law.

LORD JUSTICE-CLERK. Is it contrary to law for a counsel to state what he means to prove for the benefit of the Court and Jury, that they may know what is meant to be proved?

Mr *Hamilton*. He is entitled to state the sum and substance, but not to read the papers themselves.

Mr *Anstruther*. The nature of the objection is such, that I do not think it necessary to state much in answer to it. It is my duty to lay before you the case I mean to prove for the Crown; I trust I shall not state any thing to you which I cannot prove, but I have a right to state to you and the Jury every thing which I mean to prove.

Gentlemen, I was stating to you what was the nature of the Committee of Union, of which Watt was a member, and I cannot state to you more correctly the nature of that Committee, than by stating their own words, and giving their own account of themselves; it might be said, if I were to make comments or paraphrases upon the words of the Committee of Union, I was straining the evidence meant to be laid before you. I therefore give you their own account of themselves; their own acts will speak what they intended to do, and you will draw the conclusion.

“ FUNDAMENTAL PRINCIPLES of the Societies.

“ First, The Committee of Union is composed of persons  
 “ appointed by the people to look after their interest; and  
 “ are consequently amenable for their conduct to the people.  
 “ Therefore the people have the power of deposing,  
 “ by

" by means of a petition to the President of the Committee of Union, and by him reported to the Societies for misconduct in any of the representatives.

" Second, As representatives, the Committee of Union are invested with every power their constituents can claim ; the will of the constituent, at the appointment of his representative is, that he watch over his interest, as a member of the community ; but the will of the constituent is the constituent himself—Therefore, if a representative is attacked in the discharge of his duty, his constituents are bound by nature, reason, and honour to defend him."

Gentlemen, the other regulations for the formation of this Committee of Union will be proved and laid before you ; but I must call your attention to this, that in the very outset, care is taken to provide for the defence of the Committee of Union itself. It is established as a principle to which every person who sent a delegate to that Committee did accede, that if the representative was attacked in the discharge of his duty, his constituents were bound to defend him by nature, by reason and honour. Those representatives in the Committee of Union claimed every power the constituents themselves could claim ; the extent of that power they have not defined, and I cannot state. This Committee, with all the powers their constituents could claim, met for the purpose of procuring delegates to be elected to another Convention, and for the purpose of providing money for the expence of such delegates. Not content however with the formation of such a Committee as I have described to you, another Committee was chosen, of which Watt was also a member, called by the name of the Committee of Ways and Means. It was chosen by the Committee of Union, from amongst its own members ; the societies at large chose the Committee of Union, the Committee of Union chose the Committee of Ways and Means. Watt was a member of the Committee of Union, and a member of the Committee of Ways and Means. This last was a secret Committee ; it kept no books, it committed nothing to



to writing; it had a power of expelling any of its own members; it was a permanent Committee, and had the power of filling up the vacancies which might take place in its own body; it was to transact all the money matters of the Friends of the People; it was to collect money for defraying the expences of delegates; it was to collect money for all the other purposes whatever, engaged in by the Friends of the People; and particularly it was to collect money for the support of what they termed THE GREAT CAUSE.

The Committee of Ways and Means, which was formed some time about the beginning of March last, proceeded immediately to act; it proceeded to elect a person to be their Treasurer, whose name was Downie. Watt was not Treasurer, Downie was Treasurer of that Committee; that Committee, after it had expressly met to regulate all the money matters of the Friends of the People, it thought it right to communicate with all the different societies that existed in the different parts of this kingdom. Its first act, as far as I know, for I have told you it was a Secret Committee, was to send round to the different parts of the country, to recommend rules which it had framed for the regulation of all the other societies. The object was to make itself the centre of the Friends of the People, the point of union for all the disaffected in Scotland, and to be the medium from whence all instructions were to be given. I beg particularly to call your attention to this, that the Committee of Ways and Means, of which Watt was a member, took upon itself to be the medium through which *directions* and *instructions* were to be given to all the Friends of the People throughout the kingdom; it desired all people to put their money into the hands of its Treasurer, Mr Downie, which was not to be accounted for or disbursed at the will of the person that gave it, but was to be disbursed in such a manner as should be most calculated to promote the GREAT CAUSE. It directed the different Committees in the country to inform the Committee of Ways and Means  
how

how many Friends they had whose patriotism they could rely upon with most explicit confidence, *and who would spare no exertions in promoting the Great Cause.* It consisted of five members only. You therefore see, that if this plan was to be carried into execution, all Friends of the People in Scotland were to trust and implicitly obey the orders of the Committee, who were to disburse their money as they thought fit, and who dispersed their directions from one end of Scotland to the other.

This plan and these directions will be laid before you in a printed circular letter, sent by the prisoner at the bar to the different parts of the country, by one of the ambassadors of this self-created Committee, to every word of which I request your particular attention.

As one leading part of the duty of this Committee was to use means to procure another Convention, as it was part of their project to carry into effect the last resolution of the British Convention, and to co-operate with the disaffected and seditious in every part of the kingdom, in the execution of this scheme, while on the one hand it formed itself as the focus of sedition in Scotland, on the other it closely connected itself with the seditious in England. I have already stated to you the letter signed by Hardy, which was sent to this country. One of the first acts of Mr Watt and his Committee, was to meet for the purpose of answering that letter; for the purpose of opening a correspondence with the London societies, for the purpose of aiding their views and furthering their projects of calling another British Convention. Indeed his project and theirs were one and the same, namely, to procure another Convention to meet to resist the authority of the existing Government and mould the Constitution at its will. And having coupled Watt with the British Convention, by his adopting its views and following up its objects, having coupled him with this meeting for the purpose of electing delegates and collecting money for the expence of those delegates when chosen, I connect



next Watt again with the Convention that was to meet in England; for I will prove him sitting in Committee and in consultation, for the purpose of entering into a correspondence with Thomas Hardy for the purposes I have stated, of calling a British Convention to meet in England, of the nature and with the powers and for the purposes that have been explained to you.

Another of the acts of the Committee of Ways and Means was an attempt to debauch the soldiers of this country, to seduce the Fencibles who were then on their march to England, and were actually quartered at Dalkeith. I will prove that Watt and other members of that Committee met, composed, printed, and circulated a paper calculated to seduce from their duty, the soldiers of his Majesty called the Fencibles, while quartered at Dalkeith. The intention of this paper is so plain that I shall make no comment upon it, it will be laid before you, and it is impossible you can read it and mistake its meaning. I leave it to your good sense to read this paper and say whether it does not attempt to insinuate into the minds of the soldiers an idea that if they left this country, the Government or its friends and supporters would butcher their wives and children whom they had left behind them, and whether it does not instigate them to mutiny and revolt, and hold out to them the promise of the support of thousands in their rebellion. Such is the idea endeavoured to be conveyed, and that paper I will bring home distinctly to Mr Watt. I will prove the types from which it was printed, set, and standing in his house; I will prove his being present when it was composed, and when directions were given to a person where to get a parcel of those papers: that person went and got them by these directions, and having received them, he carried them by the direction of the Committee of Ways and Means to Dalkeith, and delivered them into the hands of the soldiers. Thus will I trace the paper from the prisoner at the bar to the hands of the soldiers at Dalkeith. This was not the single act of Watt acting in his individual capacity, but the act of  
Watt

Watt in what he called his representative character, acting as a member of a public body, called a Committee of Ways and Means. After this Committee had taken the measures I have stated, for the purpose of calling another Convention; after it had organized itself as the centre of sedition in Scotland; after it had set agoing an attempt to debauch the army at the very meeting which was called for the purpose of answering Hardy's letter, and entering into a correspondence relative to a new Convention, Watt himself, at that time, and under these circumstances, laid before the Committee a distinct and deliberate plan for destroying and overthrowing the existing Government of this country; the parts of this plan will be proved to you; I state them to be these: Mr Watt, at a meeting of that Committee, acting as a member of that Committee, produced a plan to be carried into execution by the Friends of the people, the outlines of which were, that a fire was to be lighted at, or some place near the Excise Office, to attract the soldiers in the Castle; when they marched out to extinguish the fire, they were to be met by a party of the Friends of the People. Mr Watt, a member of the Committee of Ways and Means, acting for the Friends of the People, proposed that a number of them should meet the soldiers on their march to the Excise Office, another party were to be stationed near the head of the West Bow, another at the Luckenbooths, the soldiers were to be enclosed between these bodies, to be surprised, destroyed, or made prisoners: this done, the Judges, and particularly my Lord Justice-Clerk, were to be seized and imprisoned, then they were to seize every Banking House in the city of Edinburgh, and to get possession of the Castle itself, and a proclamation was to be issued and dispersed by couriers all over the country, ordering all the farmers and dealers in corn, grain, and meal within this kingdom, to bring in their grain and corn to market as usual upon pain of death, and commanding all country gentlemen to keep in their houses, or at least not to depart from them to any distance exceeding three miles under the same penalty.



When this plan was carried, and when these objects were obtained, an address was to be sent to his Majesty, commanding his Majesty to put an end to the war, change his Ministers, or take the consequences; such was the plan of Mr Watt proposed in the Committee of Ways and Means. I will prove it distinctly by evidence which cannot be mistaken, and then I will leave to you to say whether it is not a conspiracy to overturn the Government of this country, and whether, if I were to drop every thing relative to the Convention, I have not shewn a scheme, and laid before you a plan, which must in its natural consequence and apparent tendency, put the life of the King in danger and peril, a plan to depose the King from his Royal Authority, a plan for the purpose of restraining his Majesty, compelling him to do certain acts otherwise than he would do if left to himself. But you cannot forget that this is not the plan of a solitary individual, not the plan of Watt only, or those three or four people that met in the Committee of Ways and Means, but the plan of a representative of the Friends of the People, acting for the purpose of calling another Convention, and for the purpose of having delegates to meet in England, and doing all this at one and the same time. Then let me ask whether it be possible for any man to say that these persons had innocent objects in view in the calling this Convention, when they took such means to carry their objects into effect and execution? Before this plan was to take effect, all the Friends of the People were to be armed; indeed you will naturally imagine that such a plan could not be successful without arms; but that is not all; to perfect the plan and to acquire forces to carry it into effect, a person of the name of Fairley was sent on a circuit or embassy round the country; he carried with him the circular letter and other papers I have mentioned, from the Committee of Ways and Means; he was empowered to collect whatever money he could, and send it to the Committee of Ways and Means, for the support of the Great Cause, to circulate the papers I have mentioned, to discover the sentiments of the different societies,

to found them upon the subject of arming, and to find out how many in each place might be depended upon for the execution of the GRAND PLAN which was about to be executed, and which provided, as they termed it, for every thing Mr Watt and the members of that Committee took upon themselves to act, as if they were already in possession of all the authority which the success of their project could give them, and gave under their hands and seals, the instructions to direct him in his peregrinations through the country; what the instructions were, will be proved; I shall not state them more at length. What the GRAND PLAN was, which was to provide for every thing, what the GREAT CAUSE was in which they were engaged, what the project was for which names were to be collected, whose utmost exertions might be relied on, what the object was for which arms were, upon various pretences, to be placed in the hands of the Friends of the People, you will be at no loss to discover. Fairley faithfully performed his embassy; he went to Stirling, to Campsie, to Saint Ninians, to Glasgow, Paisley, and other places; what he did at some of those places, and particularly at Stirling, will be proved to you. Upon his return, like a faithful messenger, he made his report to the Committee of Ways and Means, and restored, as he was directed, his instructions and credentials. Upon that, in order to induce the people more readily to arm, and in order to facilitate the plan, reports were spread among the societies of the Friends of the People, that the Gentlemen of Goldsmith's Hall were getting arms. Reports were spread of the French landing; that the Friends of the People would be put in a double situation of danger, that they would be butchered by aristocrats on one hand, and by the French on the other, because the French would not know them; all these reports were spread for exciting the people to adopt the plan more readily. Mr Watt and the Committee of Ways and Means, about the time that Fairley was sent upon that mission, employed persons for the purpose of making arms. Watt went to a person of the name of Orrock, who will be produced to



you, and informed him, he had an order from Perth for making four thousand pikes, employed him to make a number to be sent thither, and told him that more would be wanting to be disposed of here. Many pikes were made by Orrock, and many will be produced to you here, which were found, some at Orrock's, and some at Watt's. It will be proved that Orrock was not the only person employed in this business; Mr Brown, in another part of this city was also employed in making pikes. For what purpose these pikes were to be used you can hardly doubt; the witnesses will tell you they understood they were to be used for the purpose of the Great Plan, which would provide for all and answer for all. About the same time of the mission of Fairley, another officer of the Friends of the People was elected, called a Collector; every district was to furnish one for every ten or twenty of its members; they were to communicate directly with the Committee of Ways and Means, to have a permanent preses, and be immediately under its authority. The business of these collectors was to collect, to use their own phrase SENSE and MONEY, the opinions of the people and what money they could; but another not less important part of their business, which was more secret and only communicated to the permanent preses of these collectors was, that they were to have the distribution of the pikes and the command of the parties; a number of those pikes will be produced before you, which Watt desired to be carried down to the meeting of the Collectors; the answer was, *I will not take them now, I cannot trust the Collectors as yet.*

Gentlemen, these are the facts I have to lay before you; I trust I shall prove them, and if I do, you can hardly doubt they will amount to High Treason.

I state the plan to be to overturn the legislature of this country, to supersede the King in his authority, and to supersede the legislature in the exercise of all its functions. I state the Committee of ways and means to be acting for that object, and Mr Watt as one of that Committee of ways and means, as one of that secret Committee of the Friends of the

the

the People, to have met and conspired to overturn the constitution, not as an individual, but as a member of that Committee of Union and of the Committee of Ways and Means, to accelerate the downfall of the constitution, to facilitate the meeting of that Convention, which was to frame its own laws, to render easy the election of those delegates, who were to resist the united authority of the legislature, to assist the great cause; the Castle was to be seized, the Judges and Magistrates destroyed, and the King himself compelled to yield to the demands of the conspirators, arms were bought and provided, persons were sent round the country to collect force and seduce the subjects from their allegiance; pikes were to be distributed, and leaders were appointed. I shall leave it to my Lords the Judges to state whether, in point of law this was not a sort of conspiracy, which if executed, necessarily puts the person of the King in danger and peril; and whether, in point of law, these facts if proved, be any thing short of High Treason. I am sure, you Gentlemen of the jury, when you come to consider the law and the fact, will do honour to yourselves and to your country by whatever verdict you shall think it your duty to pronounce. I shall now proceed to call the evidence in the order I have stated; it was necessary I should state it at some length, in order that you should see the tendency of it as it is given; but I have only to conclude with this single observation which I desire you to remember distinctly. I have laid before you the facts which I think I can prove, for the purpose of explaining to your understanding the bearings of the evidence; but you will recollect that although I have stated the facts as a sort of clue for the purpose of your understanding the evidence, you are to lay out of your minds all the facts I have stated if I do not prove them; it is from the evidence you are to determine and from that alone.

*Mr Hamilton.*—I wish to give notice to the other side of the bar, that the evidence for the Crown should be enclosed.

*Lad*



*Lord Advocate.*—I gave such directions, I hope they are so. I shall not proceed a step further, till I know that all the other witnesses are enclosed, except the Lord Provost, and Mr Sheriff Clerk.

MR EDWARD LAUZUN, Sworn.

*Mr Anstruther.*—Q. Who are you?

A. I am one of his Majesty's messengers.

Q. Do you know a person of the name of Hardy?

A. Yes. I do Sir.

Q. Did you seize any papers in his house, in the course of last summer?

A. I did, on the 12th of May, on a Monday morning.

Q. Have you any of those papers?

A. I have them in my hand.

*Mr Hamilton.*—My Lords, it is my duty, in discharging the trust that is reposed in me by the prisoner at the bar, to see that this trial is conducted in the most regular manner, and that no circumstances may be laid hold of that may prejudice him; and also, that no reflections may be made upon myself, tending to show that I have not discharged my duty with propriety.—I understand it to be the practice, and understand it to be the law, with respect to High Treason, laid down by the Statute of Henry VI. as well as by that of King William, that there must be two witnesses produced to an overt act. I understand Mr Anstruther also, when he says, one witness to one overt act, another to another is sufficient; but I understand, the prosecutor is not entitled to lead any evidence to an overt act not laid in the indictment. I admit there is an exception to that general rule, according to the practice of the law; though he is not entitled to lead evidence with respect to an act not laid in the indictment. You may lead evidence with respect to an act, provided it tends to corroborate that which is specifically laid in the indictment.—There is another point which I contend is in my favour.—I say you cannot lead any evidence in regard to any extraneous fact, foreign to the issue, until such time

as you have established and proved an overt act laid in the indictment.

And now I come to the objection in point of order.

The objection is, it is necessary for the prosecutor, in the first place, to substantiate and prove an overt act laid in the indictment brought home to the prisoner at the bar, before he goes to extraneous matter, whether done in London, or in any quarter of the globe, whether within twelve months, or done a century back from hence.

*Mr Anstruther.*—I do not exactly know how the objection can arise to the question I was about to put.—I am sure nobody will suppose it is necessary for Mr Hamilton to say any thing for the purpose of clearing himself from the imputation being cast upon him;—there is nobody here who does not know his ability and readiness to perform his duty. As to the statement of the law, as laid down by Mr Hamilton, I take it to be perfectly correct. The statute requires two witnesses before a person can be found guilty of High Treason; but, at the same time, Mr Hamilton fairly and candidly stated also, that one witness to one overt act, and one witness to another overt act, are all that is necessary.—It is also true, an overt act not laid in the indictment, cannot be proved, that is to say, it cannot be proved as an overt act; but a fact, not laid in the indictment, may tend to prove an overt act laid;—neither of these points, however, are the grounds of objection.—Mr Hamilton's objection is, that I must prove an overt act laid in the indictment, before I can produce any evidence whatever.—If I do not prove an overt act laid in the indictment, the prisoner must be acquitted; but it is impossible I can begin at the wrong end of a story.—I am to prove Watt's accession to a treasonable conspiracy; before I can prove that, I must prove such a thing as a conspiracy to exist.—I am entitled to show a plot in general, before I come to give evidence of the prisoner being concerned in it.—All the Judges of England, in the House of Lords, at the trial of Viscount Stafford, held the law to be so.—The very objection was made against giving



giving evidence of a plot, without shewing the prisoner was implicated in it;—the answer was, it is time enough to make your objection, when I come to that part which implicates you.—I believe the same course was followed, both by the House of Lords and the Judges in 1745, and 1746; in those trials, the course was to prove a rebellion in Scotland, and then to prove the part the prisoner had in that rebellion.

MR BARON NORTON.—I don't understand the evidence that is to be objected to; it is not yet brought before us.

MR Hamilton.—The objection strikes me thus.—By this evidence, a plot is said to be existing in England, not a plot existing in Scotland; and it is surely the overt act of a plot existing in Scotland that the prosecutor is to give evidence of, but not of a plot in England.

LORD Advocate.—Mr Anstruther explicitly opened that a conspiracy did, and has existed in Great Britain, which conspiracy, whether in England or Scotland, is what the prisoner at the bar is accessory to;—there is no objection made to the plot being in England, it is a plot in this great empire, to which, both in England and Scotland, we shall prove Watt accessory.

LORD CHIEF BARON.—As to the stating of Mr Anstruther, it appears to me perfectly proper,—so far as I can conjecture, the questions that have been put are proper, and he is taking a proper method to proceed; he has stated a plot in England, which was transferred to Scotland, and to which the prisoner at the bar is accessory; and what is proper to be done in this case? the whole plot may be brought before the Jury, and it is necessary to prove a plot first existed.—this I conjecture from Mr Anstruther's statement, and I am clearly of opinion, he is right in examining the evidence as he is doing.

LORD PRESIDENT.—It appears to be an objection no ways material.—It appears to me the examination begins in the proper way.

LORD CHIEF BARON.—I apprehend Mr Anstruther will  
conduct

conduct it in the way most intelligible to the Court and Jury; the fair and proper way is, to prove the *Corpus delicti*. I know of no order in a criminal proceeding; he may examine witnesses in what manner he thinks proper to prove the charge.

Mr Anstruther.—Q (to Mr Edward Lauzun.)—Did you search Hardy's house?

A. Yes, I did, Sir.

Q. Did you find any papers there?

A. These are part of them that I have in my hand.

Q. Did you find among them a letter, dated 25th May, 1793, and signed by a person of the name of Skirving?

A. Is that the letter, Sir, you mean? (*The witness produces a letter.*)

A. That is not the letter I mean.—I mean one of the 25th of May, 1793.

A. This is it I believe.

Q. See if that is dated.

A. It is the 25th of May, 1793.

Q. How is it signed?

A. Wm. Skirving.

Q. Will you look if you have a letter of the 10th of June, 1793, signed by Margarot and Hardy;—have you got it in your hand?

A. Yes, I have.

Q. How is it signed?

A. There is no name to it, it is M. M. and T. H.

Q. Did you find any printed papers in Hardy's possession?

A. Several, Sir.

Q. Did you find any printed circular letters, signed T. Hardy?

A. I believe I did, Sir.

Q. Did you find that letter?

A. Yes, Sir.

Q. That letter you found in Hardy's possession?

(*Shewing him another letter.*)

K

Yes



A. Yes, Sir, that letter I found in Hardy's possession.

*Mr Knapp.*—It is a printed letter, signed "T. Hardy."

*Mr A. Struther.*—I mean to prove it was found also at Perth, and different places in Scotland, which will be evidence of the generality of the plot.

*Lord Advocate.*—I desire this witness to remain in court, if you have no objection.

*Mr Anstruther.*—(to Lauzun) You must take those papers with you, and bring them in again —It will be necessary, as this witness is to be produced in another cause, he should keep the papers in his own custody.

WILLIAM SCOTT, Sworn.

Q. Do you remember in December 1793, Mr Skirving being apprehended?

A. Yes. I do.

Q. Tell the story yourself, in your own way.

A. On the 4th of December 1793, a meeting took place with the Lord Advocate, the then Sheriff of Edinburgh Mr Pringle, and myself, to consider what was proper to be done as to the meeting then sitting at Edinburgh, stiling themselves the British Convention; when it was agreed upon and considered to be absolutely requisite that the leaders of that meeting should be taken into custody and their papers secured. In consequence whereof I, as is usual in such cases, directly applied to, and obtained from the Sheriff, the warrants requisite, but which were not to be executed till next morning, as those against whom they were directed might not be found in their lodgings that night, or the papers wanted secured. On the morning of the 5th, pretty early, the warrants were given off to the proper officers, with instructions how to execute the same; and as there was reason to suppose that the minutes of the Convention, with other papers of consequence, would be found in Skirving's possession, two of the Clerks in the Sheriff Clerk's office, viz. Mr Dingwall and Mr Mack, were sent along with the officer, who got the warrant against Skirving

Skirving to assist in securing his papers, which were to be put into bags, carried with them for the purpose, and brought to the office along with him for examination and inspection before the Sheriff, as it was considered that a minute inspection of the papers would take a considerable time. He was accordingly apprehended that morning in his own house, his papers secured, and he and they taken immediately to the office, in the manner directed, for examination and inspection in presence of the Sheriff.

Q. What followed then ?

A. So soon as the Sheriff came to the office, Mr Skirving was examined, the seals removed from the bags containing his papers, and the papers inspected, when an inventory of such as appeared connected with the business on hand was taken ; these papers marked and detained, and the others delivered to Mr Skirving.

Q. Was you present ?

A. I was present at opening the bags containing the papers, and assisted at inspecting and inventorying the same.

Q. Was Skirving present ?

A. He was.

Q. What became of them ?

A. They remained in my custody and the then Sheriff's until sent to the Crown Agent, with the precognition to prepare for the trials ; and since the trials were over, I borrowed part of them from the Clerks of the Justiciary, and got the remainder from Mr Warrender the Crown agent, since which they have been in my possession.

Q. Should you know them again ?

A. Yes, from their being marked by me when inventoried as above.

Q. Have you any now ?

A. Yes, I have.

Q. Produce those you have ?

A. Here is what is entitled, Scroll minutes of the British Convention. It consists of 95 pages, and as that was considered a material paper, we all signed our names on the



back of it at full length ; that is, the Sheriff Substitute Mr Davidson, Mr Dingwall, Mr Mack and myself.

Q. What is that ?

A. That is Minutes of debate of the General Committee which met at Edinburgh after the arrival of the English delegates.

Mr Hamilton. My Lord, it appears to me that the evidence as to these papers is entirely lost, the chain is broken ; so long as they remained in Scott's possession, it will authenticate them, as being found in Skirving's possession, but out of Scott's possession, the chain is dissolved, and you cannot mend it again. It was mentioned to the last witness that it was necessary he should keep the papers for the sake of another trial to be had ; but he did not so formerly, so the link is gone and it is impossible for him to authenticate these papers, and to prove them found in Mr Skirving's possession.

Mr Dundas. A short question will make it very clear.

Q. Did you mark them ?

A. I did.

LORD PRESIDENT. Let Scott be asked whether they are or are not the same, and what reason he has to believe they are the same papers ?

A. They are the identical papers I found—my initials are upon them.

Q. What is the printed paper ?

A. It is minutes of the General Committee wrote upon one of Skirving's letters. There is a letter from D. Stuart, dated London 16th October 1793, to Mr Skirving at the head of Horse Wynd Edinburgh ; another from Thomas Hardy from the Corresponding Society, 15th November 1793 ; another letter from Thomas Hardy of the 20th November 1793.

Q. Addressed to whom ?

A. Addressed to Margaret and Gerrald, delegates ; the other was also addressed to Margaret and Gerrald, delegates.

Q. What is that in your hand ?

A. A letter from Henry Shipley, Nottingham, dated 6th July 1793, also addressed to Mr Skirving—this is the

Resolutions

Resolutions of the extraordinary General Meeting of the Society for Constitutiona! information held at the Crown and Anchor Tavern, London, and directions to their delegates to the British Convention.

Q. Was that paper taken out of Skirving's papers?

A. It was.

Q. What date is it?

A. The 28th October 1793.

Q. Look at these papers, and see if you recognize these, and by what means you do so—what is that you have in your hand?

A. It is a letter from Thomas Hardy to Mr Skirving, addressed on the back to William Skirving, Secretary to the Convention and the Friends of the People, Edinburgh, dated London 17th May 1793. Here is another letter from the same gentleman, of the 5th October 1793, directed to William Skirving at the head of Horse Wynd, Edinburgh. This is Instructions to Citizen Gerrald from the London Corresponding Society, dated 24th October 1793, signed Richard Hodson Chairman, and Thomas Hardy Secretary, which is also marked Citizen Gerrald's Commission from the London Corresponding Society, 24th October 1793, signed by Thos. Hardy; another letter from Mr Hardy, dated 24th October 1793, directed for Mr Skirving, head of Horse Wynd, Edinburgh, and that is the whole.

*Mr Dundas.* Q. Did you seize any papers of Mr Margarot's, Mr Scott?

A. Yes, I did.

Q. Look at those and see if you know them again, and tell us how you got them?

A. On the same morning of Thursday the 4th of December, another officer was sent to search the place where Margarot and Gerrald resided, being at the Black Bull Inn, Leith-street.

Q. What is his name?

A. Lyon; he found Margarot and Gerrald in the same Inn, he took them into custody, and also their papers, when coming  
away



away with the papers, Mr Margarot said it would be more convenient to carry them in a trunk; accordingly they were put in a trunk, which Margarot locked and kept the key; after being examined in the office, he was desired to deliver up the key, so as the papers might be inspected, which he refused to do; farther proceedings were delayed till next day, in hopes that he would then give up the key. But finding that he would not do so, I applied for and obtained from the Sheriff a warrant to open the trunk, and to bring Margarot and Gerrald to the office to be present; they came there, and the key being still refused, a smith was sent for to open the trunk, when Margarot took the key out of his pocket, held it in his hand, saying, if the messenger took it from him he might have it, but not otherways: then the messenger did take the key and opened the trunk, in presence of the Sheriff, Margarot, Gerrald, myself and others; the papers were then inspected, and such as appeared applicable to the business on hand were inventoried, and the others given up to Margarot and Gerrald.

Q. What is that?

A. It is a letter signed Thomas Hardy, dated 24th November 1793, directed, Mr Margarot and Mr Gerrald, delegates from London.

Q. Did you get any of Mr Sinclair's papers?

A. Yes, he was lodged in the same house with Margarot and Gerrald.

Q. Was he one of the persons apprehended on the warrants which you obtained.

A. Yes, he was, and was a member of the British Convention.

Q. What messenger took him into custody?

A. Mr Lauzun. Mr Sinclair could not attend for examination that day, but his papers were brought by the officer the same morning to the Sheriff Clerk's office, and remained there till Sinclair was well enough to be examined and have his papers inspected and inventoried.

*Witness.* Here is Mr Sinclair's amendment of Mr Callendar's

dar's motion; it was then marked by Mr Davidson, by Mack and myself.

Q. Did Sinclair find any of his papers there when he came to be examined?

A. I think he did.

Q. There is another paper entitled a motion of A. Calendar; was that among Sinclair's papers too?

A. Yes, it was also found amongst his papers.

*Mr Dundas.* Q. Were you in Nicolson street at the dispersion of the Convention? was you employed in that business?

A. On Thursday the 5th of December 1793, the British Convention was dispersed by the Magistrates of Edinburgh, when assembled in their usual place of meeting in Blackfriars wynd in Edinburgh; and the night following, the Convention having met in a wright's shop in the Cross Causeway, I accompanied Mr Davidson the Sheriff Substitute, with others to assist in dispersing the same.

Q. Where is that?

A. It was in Lady Lawson's yard in the Cross Causeway. Mr Davidson went into the meeting before me, and on my coming in I found the place quite crowded to the door.

Q. Who was in the chair when you went there?

A. When I came into the room no person was in the Chair, but Margarot standing very near it—the first thing I heard said was, that the meeting were desired to recollect they voted themselves a permanent Convention the last night.

Q. Was it Margarot you heard say this?

A. Yes, he also addressed himself to the meeting to this effect. As there was no person in the chair, he would take it;—he was therefore called unanimously to take it, and he did so. He moved they should proceed in their business, saying it was a petition to Parliament or to the King, that was under consideration, and Mr Gerrald was going to proceed, when Mr Davidson asked of Margarot whether this was the British Convention, and being told it was, he said he came there as Sheriff substitute of the County to disperse



perfe them, and if they did not do fo he would compel them ; Margarot laid force was neceffary to be ufed ; whereupon Mr Davidson took Margarot by the hand, and led him out of the chair, after which the meeting difperfed.

Q. Do you know Skirving's hand writing ?

A. Yes, I do.

*Mr Anfruther* produced fome papers again to Mr Scott, and asked him if they were of Mr Skirving's hand writing.

A. There is none of thefe Mr Skirving's hand writing, except his fubfcription to one of them.

Q. You know it to be his fubfcription ?

A. Yes ; neither of them in my opinion are Mr Skirving's hand writing, but there is his fubfcription to a letter addreffed to Mr Hardy, dated Edinburgh 25th May 1793.

COURT. Q. Is that fubfcription to that letter his fubfcription ?

A. In my opinion it is.

Q. What is that letter ? what is the date ?

A. The 25th May 1793, (the three papers were put in).

*Mr Anfruther.* We muft read that letter.

Crofs examined by Mr *Hamiltan*.

Q. How do you know Skirving's fubfcription ?

A. I have feen his hand writing often.

*Mr Erskine.* Have you feen him write ?

A. I have.

*Lord Advocate.* He fays he has feen him write, it is legal evidence.

JOHN TAYLOR Sworn.

*Mr Anfruther.* Q. Where do you live ?

A. In Fleet ftreet in the city of London.

Q. What is your profefion ?

A. I am not in any, I have a fmall independency.

Q. You live upon your property ?

A. I do fo, Sir.

Q. Do you know fuch a fociety in London as the London Correfponding Society ?

A

A. I do, Sir.

Q. Are you a member of that society?

A. I was.

Q. Do you know a person of the name of Hardy among them?

A. I do, Sir.

Q. What is his first name?

A. Thomas.

Q. Is he a member of the London Corresponding Society?

A. He was.

Q. In what character did he act?

A. As Secretary to the Society at large.

Q. Have you seen him act as such?

A. I have, Sir.

Q. Do you know his hand writing, Mr Taylor?

A. I do, Sir.

Q. Look at that?

A. To the best of my belief this is his hand writing. I have seen him write on the divisions several times, and to the best of my belief it is his hand writing.

*Mr Warrender.* This is the certificate of Citizen Margot's election to be a delegate to the Convention; that is one of the papers produced by Scott. The next is a letter from Mr Hardy to Skirving, dated 25th October 1793.

Q. Is that his hand writing?

A. It is.

*Mr Anstruther.* This a certificate of Gerrald, to be a delegate of the British Convention.

*(Another shewn Mr Taylor.)*

*Mr Taylor.* That I believe to be his.

Q. Those are the articles of instruction given to Mr Gerrald by the London Corresponding Society. The signature at bottom is T. Hardy Secretary?

A. That also is his, *(looking at the paper.)*

*Mr Anstruther.* That is a letter to William Skirving, Secretary to the Friends of the People at Edinburgh, in an-



swer to the letter of the 5th of May; also a letter from Hardy to Skirving, dated the 5th of October 1793—are there any more?

A. This I also know; I believe that to be his hand writing.

*Mr Anstruther.* This is a letter from Hardy to Margarot and Gerrald, delegates from London, dated November 8th 1793?

*Witness.* From the general character of this, I believe it to be his hand writing.

Q. Those initials?

A. Yes.

*Mr Anstruther.* You believe this to be Hardy's hand writing?

A. Yes; it is a letter from Hardy signed M. M. C. T. H. S.

*Counsel.* Which we say is Maurice Margarot, Chairman, and Thomas Hardy, Secretary; it is dated London 10th of June 1793, found amongst Hardy's papers.

*Mr Anstruther.* Will you explain to the Court and to the Jury, the constitution of the London Corresponding Society, as far as you know it?

A. I understood the London Corresponding Society was a very large body of people; that they were divided into several divisions; I understood as many as 30, and numbered 1, 2, 3, 4, 5, and so on. The leading divisions were the 2d and 29th; those two I constantly attended as member of the 2d division and visitor of the 29th; but I believe the whole amounted to about 14. I took minutes of what passed generally, always when I took them, it was after quitting the place among them. I have got a number of the divisions wrote down, which I have in my pocket if necessary to produce. When they met, there was a General Committee, I understood to be a permanent one, consisting of a delegate from each division. This met on a Thursday, the proceedings and conduct of that Committee on that day were always reported by a delegate of that division on the following meeting night.

There

There was a Committee of Correspondence and a Committee of Secrecy, and lately there was a Committee of Emergency.

Q. When was the Committee of Emergency formed?

A. On the 12th of May in the 2d division, and on the 13th May in the 20th, in May last. I hope I may have indulgence to refer to my notes.

Q. Do you recollect a meeting of the Society at the Globe Tavern?

A. I do.

Q. Was that a general meeting?

A. A general meeting, advertised as such.

Q. Who was in the chair at that meeting?

A. A person of the name of Martin, whom I afterwards learnt was an attorney by profession.

Q. Was Mr Hardy there?

A. Mr Hardy I saw there, I was not on that day a member of the Society.

Q. May last?

A. May 1794.

Q. What date was the meeting?

A. Upon the 20th January 1794, at the Globe Tavern.

Q. Do you recollect what passed at that meeting, and what number were present?

A. What number were present! there were a thousand people; the crowd was so great that the floor in one room gave way, and they moved from the lower room to the upper one, usually understood as the assembly room; the chairman and twelve persons, Thelwall and Richter stood in the orchestra, they moved the resolutions that were afterwards published.

Q. These resolutions you say were agreed to by the meeting, and afterwards printed?

A. They were.

Mr Anstruther. A. What passed at that meeting?

A. The chairman introduced a small preface as to the intention of the meeting, which was to have these resolutions



or address, as it was termed, read to the meeting, and to take their opinion.

Q. Was that address read?

A. It was by Richter, and afterwards Thelwall the chairman put the question, and they were carried by a show of hands, unanimously.

Q. Do you recollect the substance of any of the speeches that were made?

A. The time has so long elapsed, or some particular passages I should. One of the resolutions was the General or Permanent Committee, of which I have before spoken, was to meet every day, in order to watch the motions of Parliament, and if they saw any bill introduced to bring over foreign troops, or suspend the Habeas Corpus Act, or prevent meetings for constitutional information, then they were to oppose that, and repel force by force.

Q. You have said that those resolutions were afterwards printed?

A. I have, Sir.

Q. Have you any copies of these printed resolutions?

A. I have, Sir.

(*A copy shown him.*)

Mr Taylor. That is one.

Q. From whom did you receive that copy of the resolutions?

A. I received this from the hands of a person of the name of Moore, in the presence of Hardy the Secretary, and upon my requesting him to give me one, I saw several of those resolutions thrown about the room and distributed by Thelwall and Richter, to the best of my recollection. I saw one in another person's hands, and I believe this to be the same, I asked Thelwall for one, and at that time he said he had none left.

Q. You received it from a person of the name of Moore, and you saw several of those resolutions thrown about the room, and distributed by Thelwall and Richter?

A. Yes.

Q. Did

Q. Did you receive it as a resolution of that meeting?

A. I did.

Q. You went there on purpose to get it?

A. I did. I made an application on the 22d. On the 23d I received it. I can state the conversation that passed at that meeting.

Q. State the conversation that passed at the time of your receiving it from Moore in the presence of Hardy.

A. On my meeting Mr Moore at the corner of the Old Bailey, I asked him for one, he said he had not got one; but if I would apply to Mr Hardy, and use his name, he would give me one; in consequence of which I called on Hardy, he said he had none by him, but he would go to the printer's that evening, and if I would look in on the following morning, I should have one; I went to his shop, and I said I came for one of those addresses—Hardy said to Moore, who was present, have you any?—He said, if the person will go to my house, I will give him one.—Mr Hardy said, have you one in your pocket;—He said he had.—He pulled it out, and gave it to me; and this is the paper marked by me.

Q. Do you remember being present at a meeting of the London Corresponding Society, that was held at Chalk Farm?

A. Yes.

Q. On what day?

A. On the 14th of April 1794,

Q. Where is Chalk Farm?

A. It is in the road leading from Tottenham Court Road to Hampstead, about a quarter of a mile out of the main road.

Q. How far is it from London?

A. About two miles, or a mile and an half.

Q. What was that meeting?

A. It was exactly of the same nature as the one at the Globe Tavern;—it was for convening together the society at large, upon which several resolutions were moved and entered into.

Q.



Q. How many people were supposed to be there?

A. I heard three thousand, and I apprehend about two thousand,—It was held upon the bowling place.

Q. Who was in the chair?

A. A person of the name of Lovett?

Q. Was Lovett a member of the London Corresponding Society?

A. I understood he was.

Q. And was Hardy there?

A. Hardy was there; but I did not see him act in any capacity.

Q. You say they came to some resolutions?

A. They did.

Q. Were they read?

A. They were read by Richter in part, and part by a person of the name of Hodson.

Q. Which of the Hodsons was it?

A. Hodson, a hatter in Westminster.

Q. Do you remember whether those resolutions were put generally or separately?

A. They were put separately.

Q. One by one?

A. One by one.—The chairman addressed the meeting, requesting to take their opinion, whether they should be all read together, and carried by one motion, or whether they should be all read singly, and carried separately;—they were all carried separately.

Q. Were their resolutions printed?

A. They were.

Q. Have you any copy of those resolutions?

A. I have. (*producing papers.*)

Q. From whom did you receive those papers?

A. By the memorandum I have made upon it, I received this from Thomas Hardy, on the 21st of April, the Monday succeeding.

Q. Where did you receive them?

A. At the second division of the London Corresponding Society.

Q.

Q. Of how many might that consist?

A. A hundred and twelve,—it was proved by the book of the sub-secretary, Pearce, on the 12th of May—I beg pardon, I meant to say, it was what I understood to be effective members.—I understand that division had 700 belonging to it.—It at that moment consisted of 112, it was proved, from their having paid their quarterage money, on the 25th of March preceding.

Q. How much was the quarterage money?

A. One shilling and a penny.

Q. These resolutions you say you received from Hardy?

A. I did.

Q. Did you receive them as the resolutions that had passed at Chalk Farm?

A. Yes. I did.

Q. Are they the same?

A. Nearly so.—To the best of my recollection, I think there is some trifling variations.

Q. State them.

A. If I look at my minutes I can tell.

Q. Did you make them at the time?

A. Immediately upon my coming home.

Q. What is the variation between the printed copy of the minutes you got from Hardy and the others?

A. In sense and substance it was thus, as I understood the sense of it,—that the ministers having advised the King to such conduct as brought Charles I. to the block, and drove the Prince his son from the throne: therefore, the ministers have been guilty of High Treason.

*Mr Hamilton.*—I submit to the Court, that the examination should be confined solely to that paper, and the witness has no right to go to any extraneous examination.

*Mr Anstruther.*—I mean to prove to the Court and Jury what passed at the meeting at Chalk Farm.—The witness tells you, he received from Mr Hardy, of the London Corresponding Society, a paper, containing a resolution, said to be then come to, and from his minutes taken at the time,

he



he says they are not exactly the same resolutions as were made at Chalk Farm, there is a variation.

*Mr Hamilton* — I don't see how you are to correct written evidence by the testimony of this gentleman, from his own minutes only.

LORD PRESIDENT. Q. Was you present at the meeting?

A. I was.

Q. You heard the resolutions?

A. Yes.

Q. You recollect those were the words that passed?

A. I attended particularly to them; they are the words that passed.

*Mr Hamilton*. There cannot be two resolutions of a different tenor in one and the same place; the objection lies to one or the other.

*Mr Anstruther*. The witness was present and took notes, but whether he did or not he is entitled to give evidence of what passed at that period; there may have been reasons for Hardy's not putting in print what *de facto* was voted.

LORD PRESIDENT. The Jury have heard every thing the witness said about it.

JURY. How do you know it was not the same as the resolution?

*Mr Anstruther*. Read again the difference between the printed minutes, and the actual resolution that passed: if I understand the gentlemen of the Jury that is what they want to know.

*Mr Taylor*. It was therefore resolved that the present ministry was guilty of High Treason; those express words I believe are not in the printed evidence, but being impressed on my memory I think I can speak positively to them.

*Lord Advocate*. Q. Being impressed upon your memory you think you can speak positively to them?

A. The words were impressed upon my memory.

COURT. The Jury will understand nothing is yet put so as to affect the prisoner.

*Mr Anstruther*. I stated to the Jury I would prove the prisoner

prisoner concerned in a plan to call another British Convention, and I will prove who were the persons who formed the plan, and what sort of a Convention it was they meant should meet.

*Lord Advocate.* Q. At the meeting at the Globe Tavern, was any resolution made in your hearing with regard to the number of papers intended to be printed?

A. I understood 100,000 to the best of my recollection.

Q. One hundred thousand copies of those resolutions entered into that night, were to be printed?

A. Yes.

Q. Did you know or understand for what purpose they were to be printed?

A. To be distributed to the society; the friends and members of the society.

Q. I will put the same question, whether the resolutions entered into at Chalk Farm were printed?

A. In the close of the business, Mr Richter moved two hundred thousand copies should be printed, observing one hundred thousand had not been found sufficient, as voted at the Globe Tavern for distribution of them to the body at large.

Q. Was that resolution agreed to?

A. It was.

Q. Of the division No. 2. of the London Corresponding Society, those that had paid quarterage were 112 persons, whilst the members of that division were 700, you said?

A. I did.

Q. What was the reason of your making that a distinction of the effective members of that division?

A. For this reason; Hardy, who I understood was the Secretary at large of the Society was arrested, and Pearce, who received the collections on the 1st of April as Sub-secretary, had been a delegate, but resigned on the first of April, then was appointed as Sub-secretary; the Society met then in the committee room, and a chairman was appointed; any indiscriminate person that voluntarily came forward was no-



minated a delegate, who always acted and did the business when Hardy was not present. The delegate acted as delegate and secretary. The delegate then read the report of the Committee; after that had been done, Pearce moved that one member out of ten should be chose to add to the Standing Permanent Committee, in order to make at that time a Committee of Emergency, that their proceedings might be more firm and positive; he produced a book, in which book was the names of the members entered which had paid the preceding quarter. He took up a book, and said, I find here is 112, in consequence of which, one out of ten was to be appointed out of that aggregate number; he used this expression, I have got this book, God knows what is become of the rest, I suppose Mr Dundas and Mr Pitt have got them.

Q. It was upon the evening of Hardy's arrest this measure was taken in the second division of the London Corresponding Societies?

A. Certainly. This was the reason of the Committee of Emergency; taking one out of ten and making them a Committee of Emergency.

Q. Have you ever heard of military divisions?

A. I have.

Q. In what division of the Society?

A. It was the 29th division of the Society. I understood there was produced an instrument, a kind of pike and short stick to act as a walking stick, it had at the end a brass ferule and another at the head of it; it struck me, I thought it exceedingly well executed. I was given to understand, a short or long dagger was to be screwed into it, and its execution would be done momentarily. Then this altercation upon a trifling matter arose from a man of the name of Oxlade, who appeared in cloaths of a red colour. Some member objected to it as bearing marks of aristocracy, he said he had been in a military line, and held a place in the Society, he said, in the same situation. That the London Corresponding Society was not without places of a military resort. I asked

asked where, as he seemed to be speaking of it as to persons that did not know. Spence of Middle Row had a direction, and he was a delegate of the third division, and he gave me to understand it was situated some where in Saint George's Fields.

*Cross Examination by Mr Hamilton.*

Q. You say you have a little competency to live upon in London?

A. I have.

Q. Will you explain that?

A. I have East India Company's stock 1350l. produces annually 94l. a year; it is in two names, Mary Ann Halliday and another.

Q. Pray, what brought you to Scotland?

A. I was directed to come here.

Q. By whom?

Mr Anstruther. I brought him to Scotland, there is no doubt about it. I brought the gentleman here, and I have a right to bring my witnesses from whatever part I can get them.

I wish to have the printed minutes read of Chalk Farm, and the Globe Tavern.

A printed paper was then read of the Proceedings at the Globe Tavern, Strand, as follows.

“ At a general meeting of the London corresponding society held at the Globe Tavern, Strand, on Monday the 20th day of January 1784, citizen John Martin in the chair; the following address to the people of Great Britain and Ireland, was read and agreed to. “ Citizens, “ We find the Nation involved in a War, by which in the course of one Campaign immense numbers of our countrymen have been slaughtered, a vast expence has been incurred, our trade, commerce and manufactures are almost



“ most destroyed, and many of our manufacturers and artists  
 “ are ruined, and their families starving.

“ To add to our affliction, we have reason to expect that  
 “ other taxes will soon be added to the intolerable load of  
 “ imposts and impositions with which we are already over-  
 “ whelmed; for the purpose of defraying the expences  
 “ which have been incurred in a fruitless crusade, to re-es-  
 “ tablish the odious despotism of France.

“ When we contemplate the principles of this war, we  
 “ confess ourselves to be unable to approve of it, as a mea-  
 “ sure either of justice or discretion. And if we are to form  
 “ our calculation of the result, from what has already pas-  
 “ sed we can only look forward to defeat, and the eternal  
 “ disgrace of the British name.

“ While we are thus engaged in an expensive and ruin-  
 “ ous foreign war, our state at home is not less deplorable.

“ We are every day told by those persons who are inte-  
 “ rested in supporting the corruption list, and an innumera-  
 “ ble host of sinecure placemen, that the Constitution of  
 “ England is the perfection of human wisdom; that our  
 “ laws, (we should rather say their laws) are the per-  
 “ fection of justice; and that their administration of those  
 “ laws is so impartial, and so ready, as to afford an equal reme-  
 “ dy both to the rich and to the poor, by means of which  
 “ we are said to be placed in a state of absolute freedom,  
 “ and that our rights and liberties are so well secured unto  
 “ us, as to render all invasion of them impossible.

“ When we ask how we enjoy these transcendent pri-  
 “ vileges?—we are referred to Magna Charta, and the Bill  
 “ of Rights; and the glorious Revolution in the year 1688  
 “ is held out to us as the bulwark of British Liberty.

“ CITIZENS,

“ We have referred to Magna Charta, to the Bill of  
 “ Rights, and to the Revolution, and we certainly do find  
 “ that our ancestors did establish wise and wholesome laws;  
 “ but we as certainly find, that of the venerable constitution  
 “ of our ancestors hardly a vestige remains.

“ The

" The only chapters of the Great Charter which are now  
 " in legal existence are the 14th and 29th.

" The important provision of the 14th chapter runs thus :

" A freeman shall not be amerced for a small fault, but  
 " after the manner of the fault ; and for a great fault, after  
 " the greatness thereof, saving to him his contenment,  
 " and a merchant likewise, saving to him his merchan-  
 " dize, and any other villain than ours shall be likewise  
 " amerced, saving to him his wainage ; and none of the  
 " amerciements shall be assessed, but by the oath of honest  
 " and lawful men of the vicinage.

" By the usurped power of the Judges, in assessing fines  
 " (and what fines!!) in the cases of misdemeanor, this  
 " glorious right of the subject, of having these fines assess-  
 " ed by the jury, (the only possible protection from fla-  
 " very and the vilest oppression) is unjustly and infamously  
 " ravished from us.

" The provision of the 29th chapter runs thus ;

" No Freeman shall be taken or imprisoned, or be dis-  
 " seized of his freehold, or liberties or free customs, or be  
 " outlawed or exiled, or any otherwise destroyed, nor we  
 " will not pass upon him, nor condemn him, but by the  
 " lawful judgment of his peers, or by the law of the land,  
 " we will sell no man, we will not deny or defer to any man,  
 " either justice or right.

" The various methods now in constant practice by  
 " which the benefits of this provision are totally defeated  
 " and destroyed, might induce us to suppose that the Great  
 " Charter has been repealed ; if we did not assuredly know  
 " that it is the fundamental basis of our constitution, which  
 " even the real representatives of the People (much less the  
 " miserable nominees of Hellstone and Old Sarum) have  
 " not the right, nor (as we trust it will be found by ex-  
 " perience) the power to repeal. Yet what do we find in  
 " practice? Unconstitutional and illegal informations *ex officio*,  
 " that is, the arbitrary will of the King's Attorney General,  
 " usurping the office of the accusing jury ; and the inter-  
 " ested



“sted will of a vile common informer, with the judg-  
 “ment of as vile a common trading or pensioned justice,  
 “substituted in the room of our birth right, an impartial  
 “trial by our country. Add to this, that the exorbitant  
 “expence of judicial proceedings, the novel practice of ar-  
 “bitrarily and repeatedly annulling the verdicts of juries, and  
 “the dilatory practice of the Courts, most openly and  
 “shamefully contradict the clause which forbids the denial,  
 “the delay, and the sale of justice.

“A man accused of felony (for which by the common law  
 “of England, his life and goods are forfeited) may be  
 “bailed on finding two sureties for forty pounds each;  
 “but upon a charge of misdemeanour by words only, bail  
 “to the amount of one thousand pounds has been de-  
 “manded.

“Upon conviction also for such misdemeanor, enormous  
 “fines, long and cruel imprisonments, unknown to our an-  
 “cient laws, and unsanctioned by any new statutes, have of  
 “late, (and but of late,) been too frequently and too op-  
 “pressively inflicted; and all this, although by the Bill of  
 “Rights it is declared, that excessive bail shall not be de-  
 “manded, nor cruel and unusual punishments inflicted.

“If we look to Ireland, we find that acknowledged pri-  
 “vilege of the people to meet for the support and protec-  
 “tion of their rights and liberties, is attempted by terror  
 “to be taken away by a late infamous act of Parliament;  
 “whilst titles of honour,—no, but of dishonour are lavish-  
 “ed; and new sources of corruption opened, to gratify  
 “the greedy prostitution of those who are the instruments  
 “of this oppression.

“In Scotland, the wicked hand of power has been  
 “impudently exerted, without even the wretched formali-  
 “ty of an act of Parliament; magistrates have forcibly in-  
 “truded into the peaceful and lawful meetings of free men,  
 “and by force (not only without law, but against law) have  
 “under colour of the magisterial office, interrupted their  
 “deliberations, and prevented their association.

“ The

" The wisdom and good conduct of the British Conven-  
 " tion at Edinburgh, has been such as to defy their bitter-  
 " est enemies to name the law which they have broken ;  
 " notwithstanding which, their papers have been seized, and  
 " made use of as evidence against them ; and many virtu-  
 " ous and meritorious individuals have been, as cruelly, as  
 " unjustly, for their virtuous actions, disgraced and destroy-  
 " ed by infamous and illegal sentences of transportati-  
 " on, and these unjust and wicked judgements have been  
 " executed, with a rancour and malignity never before  
 " known in this land, and our respectable and beloved fel-  
 " low citizens have been cast fettered into dungeons, amongst  
 " felons in the hulks, to which they were sentenced.

" CITIZENS,

" We all approve the sentiments, and are daily repeating  
 " the words for which these our respectable and valuable  
 " brethren are thus unjustly and inhumanly suffering.—We  
 " too associate in order to obtain a fair, free, and full repre-  
 " sentation of the people in a house of real national repre-  
 " sentatives. Are we also willing to be treated as felons for  
 " claiming this our inherent right, which we are determin-  
 " ed never to forego, but with our lives, and which none  
 " but thieves and traitors can wish to with-hold from us ?  
 " Consider it is one and the same corrupt and corrupting  
 " influence which at this time domineers in Ireland, Scot-  
 " land, and England ; can you believe that those who  
 " send virtuous Irishmen and Scotchmen fettered with fe-  
 " lons to Botany Bay, do not meditate and will not attempt  
 " to seize the first moment to send us after them ? or if we  
 " had not just cause to apprehend the same inhuman treat-  
 " ment, if instead of the most imminent danger, we were in  
 " perfect safety from it, should we not disdain to enjoy any  
 " liberty or privilege whatsoever, in which our honest Irish  
 " and Scotch brethren did not equally, and as fully participate  
 " with us ? Their cause then, and ours is the same ; and it  
 " is both our duty and our interest, to stand or fall together.  
 " The Irish Parliament, and the Scotch Judges, actuated by  
 " the



“ the same English influence, have brought us directly to  
 “ the point. There is no farther step beyond that which  
 “ they have taken; we are at issue. We must now chuse at  
 “ once, either liberty or slavery, for ourselves and our posterity.—Will you wait till barracks are erected in every village, and till subsidized Hessians and Hanoverians are upon us?

“ You may ask perhaps by what means shall we seek redress?

“ We answer, that men in a state of civilized society are bound to seek redress of grievances from the laws, as long as any redress can be obtained by the laws. But our common master whom we serve, (whose law is a law of liberty, and whose service is perfect freedom) has taught us not to expect to gather grapes from thorns, or figs from thistles. We must have redress from our own laws, and not from the laws of our plunderers, enemies and oppressors.

“ There is no redress for a nation circumstanced as we are, but in a fair, free, and full representation of the people. Resolved, that during the ensuing Session of Parliament the General Committee of this society, do meet daily for the purpose of watching the proceedings of the Parliament, and of the administration of the Government of this country; and that upon the first introduction of any bill or motion inimical to the liberties of the people, such as, for landing foreign troops in Great Britain or Ireland, for suspending the Habeas Corpus act, for proclaiming Martial law, or for preventing the people from meeting in societies for constitutional information, or any other innovation of a similar nature, that in any of those emergencies, the general Committee shall issue summonses to the delegates of such division, and also to the secretaries of the different societies, affiliated and corresponding with this society, forthwith to call a general Convention of the people to be held at such place and in such a manner as shall be specified in the summons.

“ mons

“ mons, for the purpose of taking such measures into their  
“ consideration.

“ Resolved, that the preceeding address and resolu-  
“ tions be signed by the Chairman, and printed and pub-  
“ lished.

“ J. MARTIN, Chairman.

“ T. HARDY, Secretary.

*Mr Hamilton.* You said you took notes upon some of these occasions ?

A. Yes, I did.

Q. Is it usually allowed to do so ?

A. No, it is not. I have occasionally gone and put them down in a Coffee-house.

Q. What was the occasion of your taking notes ?

A. I was introduced into the society, when I went away I made these memorandums.

Q. Did you communicate them immediately ?

A. Not immediately. I was sent for to the Secretary's of State.

Q. Did you ever take any notes of any thing in any other meeting ?

A. Not in convivial meetings. I conceived in such meetings there was not such necessity.

Q. Did you think any thing important enough for your taking those notes ?

A. I did. I thought the intent was a Parliamentary reform, but it occurred to me they had very different objects.

Q. Why did you remain in the society when you found their intention to do so ?

A. I thought I should be ready, if called upon, to give notice of what they said concerning the representation in Parliament.

Q. Did you mean to quit the room when you found their objects not so bounded ?

A. I did not, by any means, join in their sentiments and opinions.

N

Q.



Q. But you went there?

A. I did.

Q. Why?

A. I said before, partly for amusement, and partly inclination.

Q. To whom did you communicate this afterwards?

A. I never did to any body, till called upon by a mandate from the Secretary of State's orders.

*Mr Anstruther.*—He was taken up by a Secretary of State's Privy Council warrant.

*Mr Hamilton.*—Have you been served with a writ of Subpœna, to give your evidence here?

A. No.—I did not receive a Subpœna, I was instructed to come here.

*Mr Hamilton.*—The Court will take notice, this witness is not here by any legal authority.

*Mr Anstruther.*—What does that signify? I produce my witnesses,—those that will come voluntarily, I take them, if they will not come so, I subpœna them if they are within the jurisdiction.—The judges know, every witness from England to Scotland must come voluntarily, there is no mode of compelling them. Q.—Who did you come with?

A. I came down with Mr Gurnell.

Q. Who is Mr Gurnell?

A. He is a messenger.

Q. Mr Taylor, you say you took those minutes for your own information?

A. Yes.

Q. Had you any other reason?

A. No.

A. But after you had been before the Secretaries of State you took notes?

A. No.—I never attended them at all afterwards.

*Mr Hamilton.*—Had you any other motive in taking those notes?

A. None at all, but only to speak to the point, I had no interest in it but inclination.

Q.

EDWARD GOSLING Sworn:

*Mr Dundas, Q.* What is your profession?

A. I am clerk to Mr Wickham.

*Q.* Who is Mr Wickham?

A. Mr Wickham is a magistrate in London.

*Q.* Was you present at the meeting of the London corresponding society at Chalk Farm in April last?

A. Yes, I was.

*Q.* Did you hear any resolutions read there?

A. I did.

*Q.* By whom?

A. A man, I was informed whose name was Richter.

*Q.* Look at these, and see if they are the same you have heard read?

A. No, these are not the same.

*Q.* Look at them.

A. These appear to be the same resolutions; I had a copy similar to this afterwards at one of those divisions.

*Q.* Who gave you a copy?

A. I had it from that division from one Hayward.

*Q.* You attended those divisions afterwards?

A. I have, Sir.

*Q.* What was the style of conversation generally at those divisions?

A. In general there was less said at the divisions than in private conversations, but on the night following the 14th of April it was the meeting at Chalk Farm; on Tuesday after I had attended one of the divisions—I heard it was their intention to arm in the same manner as they had done in Paris.

*Q.* Repeat that again.

A. I understood that there was a Convention to be called, and it was the design of the society to arm themselves for the purpose of protecting that assembly in the same manner the French assembly have been protected by the people of Paris.

*Cross*



*Cross Examined by Mr Hamilton.*

Q. Where was it you heard these conversations?

A. At the house of Holt that keeps a house in Northampton Street.

Q. How many might be present?

A. I cannot tell exactly; there might be thirty, there was no such conversation as that at the general meeting of the division at Chalk Farm; it was the following day after the meeting of Chalk Farm.

Q. It was a meeting in private, of two or three people?

A. No, it was a regular meeting of the eleventh division of the London Corresponding Society.

Q. Was you served with any writ to give your evidence here?

No answer.

Q. Have you been subpoena'd?

A. I did not receive any thing, I came down at the desire of the Solicitor of the Treasury.

Q. How long was you a member of this Society?

A. I became a member the day after the meeting of Chalk Farm.

Q. What was your intention of belonging to it?

A. It was on account of the curious language I heard held at Chalk Farm.

Q. Was you not a member of that Society before you was at Chalk Farm?

A. No, I have not.

Q. How came you to be there?

A. I met with a friend of that Society I knew, I dealt in books with him, and I was so taken with the discourse of the meeting, I intended some days before to be a member of the Society.

Mr Erskine. Did he tell you they held constitutional language. You say, they held curious language, and you was so charmed, you intended to belong to the Society?

Mr Hamilton. Was it your intention to go into the Society, to see what they had to say?

A. I

A. I did not, Sir.

Q. When did you leave the Society?

A. The term I paid was up at Midsummer. I did not attend their Society afterwards.

Q. Did you give information relative to the proceedings going on there?

A. I mentioned the circumstance to Mr Wickham, as I thought it my duty.

Q. How frequently have you been at those Societies, and how often did you give information of what passed?

A. I cannot exactly say, I generally attended the divisions once a week.

Q. You gave information of what took place?

A. Yes.

Q. Did he prescribe any rule of conduct to you, how to act in future?

A. He did not say any thing particularly, whether I was to continue in it or not, he observed so far, if there was any thing dangerous going forward, I was to communicate it to him if of a dangerous tendency. I should not have done it, if he had not desired me. I had not an idea when I first went there I should meet with any thing of that kind, I was informed I should meet with improvement, and there were books to be read, and I went there for the purpose of spending an hour or two of an evening.

ALEXANDER AITCHISON, Sworn.

Q. Was you a member of the British Convention?

A. Yes.

Q. I believe you was Secretary or Sub-secretary?

A. I was assistant Secretary to Mr Skirving.

Q. Did you write the minutes of that Convention?

A. A considerable part of them.

Q. Will you look at that paper, Mr Aitchison, and tell me whether the bulk of it is your hand-writing?

A. The bulk of it is not my hand-writing, a great many pages of it are my hand-writing, part of it wrote by other people.

Q. Did



Q. Did you ever see that paper before ?

A. Yes, I saw it before in this Court, or the Justiciary Court, and the British Convention.

Q. Does that paper, as far as it is of your hand-writing, contain an account of what passed in the British Convention ?

A. I certainly might have made many mistakes in taking down by hearsay, but to the best of my knowledge, it contains the truth.

Q. Who was the Secretary ?

A. Mr William Skirving.

Q. Did any body assist you in taking those minutes ?

A. Yes, several people appointed by the Convention.

Q. Look through the minutes, and tell if you know any other person's hand writing besides your own ?

A. I do not recollect any other person's hands except Mr George Ross.

Q. Lately of the Gazetteer office ?

A. Yes.

Q. Was Mr Callendar a member ?

A. Yes.

Q. Do you recollect any motion made by him ?

A. I recollect several motions, but don't recollect any put down in the minutes.

Q. Do you recollect any amendment made to these motions ?

A. I remember well an amendment made on a motion of Callendar's, which caused a good deal of difference of sentiment, and a great many different motions.

Q. Do you remember that motion being submitted to a Committee ?

A. Yes.

Q. Do you remember the members ?—was Sinclair one ?

A. Yes, he was.

Q. Look at that ? What is that ?

A. Mr Sinclair's amendment of Callendar's motion.  
Reads " That the Convention considering the calamitous  
" consequences

“ consequences of any act of the legislature which may  
 “ tend to deprive the whole or any part of the people of  
 “ their undoubted right to meet either by themselves or by  
 “ delegation, to discuss any matter relative to their common  
 “ interest, whether of a public or private nature ; and hold-  
 “ ing the same to be totally inconsistent with the first prin-  
 “ ciples and safety of society ; and also subversive of our  
 “ known and acknowledged constitutional liberties, do  
 “ hereby declare, before God and the world, that we shall  
 “ follow the wholesome example of former times, by paying  
 “ no regard to any act which shall militate against the consti-  
 “ tution of our country, and shall continue to assemble and  
 “ consider of the best means by which we can accomplish  
 “ a real representation of the people and annual election  
 “ until compelled to desist by superior force.

“ And we further resolve, that the first notice given for  
 “ the introduction of a Convention Bill, of a similar ten-  
 “ dency to that passed in Ireland since the last Session of  
 “ their Parliament ; the suspension of the Habeas Corpus  
 “ act, or the act for preventing wrongful imprisonment  
 “ in North Britain, and against undue delays in trial, which  
 “ will render all the laws for the protection of our lives and  
 “ our liberties nugatory, and as some have avowed their in-  
 “ tention of introducing a motion for the repeal of one of them,  
 “ or in case of an invasion, or the admission of any foreign  
 “ troops whatsoever into Great Britain or Ireland ; all or  
 “ any of those shall be a signal to the several delegates to  
 “ repair to such places as the Convention shall appoint, and  
 “ seven members shall have power to declare the Conven-  
 “ tion permanent.

“ Resolved, that the delegates to any Convention, meeting  
 “ under any of those calamitous circumstances, shall imme-  
 “ diately repair to the place of sitting, and there continue  
 “ until their number be twenty-one and then proceed to  
 “ business.

“ The Convention doth therefore resolve, that each de-  
 “ legate immediately on his return home, do convene his

“ con



“constituents and explain to them the necessity of electing  
 “a delegate or delegates, and of establishing a fund without  
 “delay against any of those emergencies, for his or their  
 “expences; and that they do instruct the said delegate or de-  
 “legates, to hold themselves ready to depart at an hour’s  
 “warning.”

I don’t recollect ever having read that paper before, I certainly have seen it, because my own hand writing is on the back of it.

*Mr Solicitor General.* Do you recollect a resolution having passed of that purport in the Convention?

A. Some amendment of Callendar’s motion did pass, but whether that is it I cannot say.

Q. Do you know whether it was entered in the minutes of the Convention?

A. I am not sure.

Q. Whose hand writing is that?

A. It is Mr Ross’s.

*Reads.*—“Citizen Sinclair read the amendments upon  
 “Citizen Callendar’s motion, as agreed upon by the Com-  
 “mittee, and it was agreed upon the motion of

“That the House should resolve itself into a Committee  
 “for its mature consideration. In the course of conversa-  
 “tion, Citizen Brown gave a history of the Habeas Corpus  
 “act; after an excellent discussion of the question, perti-  
 “nent remarks and amendments, the Convention was re-  
 “sumed, and the whole, as amended was read over.”

Q. Then, all that appears from the minutes as they stand is—there is a resolution of all the members standing upon their legs, which resolution is blank?

*Witness.* The reason that page is left blank, is owing to my coming in at that very time; I remember the circumstance, it was left that I might fill it in, if not taken notice of by the other clerks, and therefore it does not appear in the minutes; that is the truth.

Mr

Mr *Anstruther*. Q. That motion was handed to you as Sub-secretary by Citizen Sinclair, and you endorsed it upon the back?

A. I did.

Q. Was you present when the Provost of Edinburgh came into the British Convention?

A. Yes.

Q. Did he disperse that Convention?

A. Yes.

Q. Where did you go to after that?

A. I was told that the Convention went down to some place in the Canongate.

Q. Where did you go?

A. I went home.

Q. Where did the Convention meet afterwards?

A. I was not present at the next meeting.

Q. Do you know Mr Watt the prisoner at the bar there?

A. Yes.

Q. Was you ever in any Committee with him?

A. I was appointed a member of the Committee of Union along with him.

Q. When?

A. I think in the month of January last.

Q. How long was that after the dispersion of the British Convention?

A. I think that dispersion happened the beginning of December, and the Committee of Union was appointed early in January.

*Lord Advocate*. State that again.

Mr *Anstruther*. Was Watt a member of that Committee?

A. Yes, I think he was.

Q. You have seen him there?

A. Yes.

Q. What was the business of that Committee?

A. The business of that Committee was to preserve cer-  
tainly



tainly an Union among the Friends of Reform, and to correspond.

Q. For what purposes did they meet?

A. I cannot say, for I gave very little attendance, and very little attention to the business.

Q. Did the Friends of the People ever meet?

A. They met occasionally in some private societies.

Q. Who sent you to the Committee?

A. It was the Chairman of the Societies No. 1. and 2. of the Canongate division.

Q. About what was the Committee to correspond?

A. About the Reform proposed by Mr Pitt and the Duke of Richmond; we never proposed going further.

Q. Who were the delegates?

A. Mr Watt was one, Archibald Wright another, and I had the misfortune to be the third; three of each society met.

Q. Do you remember any one you ever saw there?

A. Yes, I have seen Mr Bonthorn, and I have seen Mr Downie, and I could hardly name you a third person out of the thirty.

Q. Did you ever see Mr Wright there?

A. I never saw Mr Wright there.

Q. Did you ever hear of a Committee, called a Committee of Ways and Means?

A. Yes.

Q. Was you a member of it?

A. Yes.

Q. What was the purpose of that Committee?

A. To raise money.

Q. For what?

A. To pay our past debts.

Q. Was that the only purpose?

A. Why, in case there were future emergencies and further demands to answer, the purpose of paying them too.

Q. What were the demands to be?

A. It is extremely difficult to state what it was. I never attended it but once.

Q. Was

Q. Was it for the purpose of paying delegates to the Convention?

A. I have heard so at some occasional accidental meetings.

Q. Where was the Convention to be held?

A. Some where in England, that was the report of the day.

Q. Were those meetings composed of the Friends of Liberty, not others?

A. Certainly, Sir.

Q. Who are they you call the Friends of Liberty?

A. Why, it is difficult to ascertain who are the Friends of Liberty, a man may be so one day, and another day in another way.

Q. Who were they?

A. All that professed to think as we did.

Q. Was that the thing pointed out in the resolution you have just read? You have read the resolution of the Committee just now, about a Convention or meeting of Emergency, about paying the expence of delegates, was that the Convention?

A. I cannot say.

Q. Was it the British Convention, or another?

A. It was another, but it was to be held as a British Convention, that was the idea.

Q. Was it for the same objects and purposes as the British Convention?

A. Certainly so.

Q. Mr Downie was a member of the British Convention?

A. Yes.

Q. Mr Benthorn?

Q. Yes.

Q. Are you sure of it?

A. I only believe he was. I am not certain.

Q. Did you ever hear where this Convention was to meet?

A. No, somewhere in England.



Q. And it was for the same purposes as the British Convention met last year?

A. The same purpose as William Pitt and the Duke of Richmond had before.

Q. Was it or not for the same objects as the British Convention?

A. The British Convention had the same object in view Pitt and the Duke of Richmond had twelve years ago, and they meant, if ever they met, to follow no other plan.

Q. I want to know whether you have ever heard any conversation about arms?

A. Never in any of these Committees.

Q. Did you ever hear any elsewhere?

A. Yes, I have in occasional accidental meetings out of doors, among people not connected with the British Convention or those Committees.

Q. What were the conversations, and with whom?

A. I cannot condescend upon a single individual, I had conversation with so many.

Q. Can you swear that?

A. I certainly can swear that I have heard it spoke a dozen years ago, when Pitt's reform was first spoke of. I have heard it said no such thing could be done without a convulsion, and without arms.

Q. Did you ever hear it six months ago, or nine months?

A. No, neither eight or nine.

Q. Did you ever see a pike?

A. I have seen a pike in George Ross's house.

Q. Did not a Committee of Union meet there?

A. It was not in their hearing nor any of the members.

Q. Did you ever see a pike in George Ross's house?

A. Yes.

Q. Did you ever see more than one?

A. Two.

Q. When was that?

A. On a Saturday evening, in possession of half a dozen blacksmiths,

blacksmiths, whose names I do not know.—George Rofs was not present.

Q. What sort of pikes were they?

A. They were something like the head of a halbert.

Q. Now, did the Committee of Union meet at George Rofs's?

A. No.

Q. Did the Committee of Ways and Means meet at George Rofs's?

A. Yes.

Q. Now, I ask you, whether you ever heard any conversation about pikes manufacturing in Edinburgh, for the purpose of arming the Friends of the People?

A. I have heard it out of doors, perhaps at the Cross.

Q. Did you ever hear such conversation any where else?

A. Upon my great oath, I cannot say who spoke it.

Q. Did you ever hear such conversation?

A. I have.

Q. For what purposes were they to arm?

A. There were various purposes mentioned.

Q. What were they?

A. I remember, when Earl Stanhope mentioned, in his speech in the House of Peers, it was the duty of the people to have arms, he urged it, as a duty incumbent upon Britons, to be armed, to defend themselves in case Liberty was to be attacked.

Q. For what purpose were they to have arms?

A. Very different purposes.—I have heard some say, they would take up arms against the French, as well as Hanoverians or Hessians. In all mixed bodies there are people of different opinions.

*Mr Hamilton.*—My Lord President, I shall trouble your Lordship with but one observation, I do it with a view of making this proof as short as it possibly can be, and just submit to your Lordship's opinion, that all this man has been saying about arms, is nothing to the purpose; for what is it?—It is merely rumour, he talks of some proposal, but does



does he say it is about a rising of any body or set of men? It is improper to bring forward such evidence to substantiate any one charge in the indictment, or to prove the overt acts. It proves arms were provided to be put into divers peoples hands, but is it proved that this gentleman attempted to put them into any one's hands? this witness says, he has heard this only from people of no description whatever.— It is not, therefore, such evidence as can be brought forward to substantiate the fact.

*Mr Anstruther.*—I shall examine him as to any conversation among the Friends of the People, with respect to arms; whether I shall bring that home to the prisoner is another question, but I must be permitted to go on with my examination, in order to make it evidence, if it can be made evidence.

*Mr Hamilton.*—Such kind of conversation as this man heard, is not evidence.

COURT.—Does Mr Hamilton mean to object to the competency? aye or no.

*Mr Hamilton.*—I object to the competency.

LORD PRESIDENT.—The answer to the question may be very insignificant; I shall think it my duty to say so to the Jury, if it be such as Mr Hamilton has described it, nothing more than report; but still the question may be put.

*Mr Anstruther.*—The objection goes to the effect of the evidence; at present, I have not made any thing of arming against Mr Watt; I will, if I am allowed to go on.

COURT.—Go on with your examination.

*Mr Anstruther.*—Q. (To Mr Aitchison.) You will recollect you are upon your oath, and you know the consequences of being so. I therefore desire, you would distinctly and explicitly answer the questions that are put to you. I asked you before, whether you had ever heard, among the Friends of the People, any conversations about arms; you have told me, there were different opinions upon the subject; and told me, one set said they would as readily arm against a Frenchman

man if he came here, as against Hessians or Hanoverians; I want to know what the others said.

A. The opinion of others was, that we should arm in favour of Liberty, but we never came to a specific resolution upon that subject.—I beg pardon.—I think it hard, that I, who was not allowed to give opinions upon the former processes, should now be obliged to give them, when the opinions are stated for facts: you ask people for opinions over a pot of porter or glass of whisky, to criminate people. I never spoke upon the subject to these two prisoners.

LORD PRESIDENT.—That is not the question; the question is, whether you heard, in any of these meetings, any thing said of reasons for putting arms in the hands of the Friends of the People, and what they were; you have been giving an account of different reasons, and one reason you assigned, as given by some persons, was, that they might be used in support of Liberty.

A. Certainly, that I have declared.

*Mr Anstruther* —You recollect, when I am asking what another man said, I am speaking to a fact.—I ask who were the persons you had that conversation with?

A. As I am to answer at the great day, I cannot answer to any single individual.

Q. Were there many of them?

A. Not above five or six, at the time of the accidental meetings.

Q. How often did these conversations happen?

A. I cannot say.

Q. Did they happen more than once or twice?

A. The public news of the day, the prosecutions against the parties; every thing brought the conversation on the board.—If a man is known to be attached to Freedom at all, he is asked his opinion.

Q. Was you ever present, at the meeting of the Subcommittee, or Committee of Ways and Means, with Mr Watt?

A. Never



A. Never but once.

Q. Now, upon your oath, what was the conversation then held in that committee?

A. Upon the oath, as I shall answer to God at the great day, I cannot tell a word of it, it was merely preliminary.

Q. What do you mean by preliminary?

A. Just talking over a pot of porter; we must meet this day week; we must do something.

Q. What was it you were to do?

A. I cannot tell you, this was in company with seven people, of whom I was one. I never met with them again.

*Lord Advocate.*—About what time of the year was this only meeting you had with Watt?

A. When the committees were first appointed.

Q. About what period was that?

A. About the beginning of January?

*Mr Anstruther.* Q. Was you never at a meeting of the Sub-Committee, but at the beginning of January?

A. To the best of my knowledge and belief, I never was.

Q. Had you any conversation with the members of that Committee respecting the business that was to come before them?

A. Not that I recollect.

Q. You had better recollect yourself.

A. No.

Q. Was you ever in Mr Watt's house?

A. Yes.

Q. Had you ever any conversation with Watt in his house?

A. Yes.

Q. Was it before or after the meeting of that Committee?

A. I cannot say.

Q. What conversation was it you had with Mr Watt?

A. Upon the news of the day.

Q. What was the news of the day?

A. I cannot recollect; is a man obliged to recollect an accidental conversation over a dish of tea a year after?

Q. Do

Q. Do you recollect or not recollect?

A. I do not recollect.

Q. And you say so upon your great oath.

A. I certainly do.

Q. Was any thing said about arming?

A. I believe that was about the time Lord Stanhope's speech was made in the House of Peers.

LORD CHIEF BARON. I wish you to say nothing against the prisoner that is not founded in fact, but, Sir, if it be founded in fact you are called upon, and you are now in the presence of God, to answer the truth, let the consequence be what it may. I ask you to the best of your memory, had you any conversation with the prisoner about preparing arms, or any thing to that purpose when you was with him?

A. My Lord, neither your Lordship nor any person in this Court need inform me of the nature of an oath, I am not an atheist, nor one of French principles. I know we shall all stand up at the great day of God, and this oath warns me to beware of saying what is not the truth, and whether it hurts me or the prisoner at the bar, I shall speak the truth; if you will take the trouble to repeat the question, I will answer it.

LORD CHIEF BARON. Do you remember when you was with the prisoner having any conversation with him about preparing arms or using arms? if you recollect any thing however trivial it may be, you are bound to speak it out.

A. I can recollect none, not a single circumstance, but that Mr Watt said something of importance would soon be upon the carpet.

Q. Nothing mentioned about arms?

A. No, only about Lord Stanhope's speech, and the news of the day.

Q. Did you see any arms, any pikes, or any things of that sort in his house.

A. I never did.



Q. Did he mention any thing of any pikes being in his possession?

A. He never did.

Mr Anstruther. Q. You have told the Court and me that you have had conversation with Mr Watt upon the news of the day; it is impossible for me or the Court to know what that conversation was, if you will not describe the purport of it; but tell me what conversation you had with Mr Watt upon the occasion?

Witness. It is a very strange question.

Q. What was the news of the day?

A. It was Lord Stanhope's speech in the House of Lords.

Q. What was said about it?

A. That certainly Lord Stanhope had stood up for the rights of Britons which had been too much infringed upon.

Q. What more?

A. I cannot recollect.

Q. Upon what occasion was it that Watt said something of importance was upon the Carpet?

A. It is very extraordinary that such a tea-table discourse should come in question.

Q. Did he mention the Carpet, that something of importance was upon the Carpet?

A. Or words to that purpose, is it possible for a man to remember every word? I have told you the word Carpet, but that perhaps was not used by Mr Watt.

Q. Before whom was it to be brought upon the carpet?

A. Before the public, before the world certainly.

Q. Who was to bring it before the world?

A. I cannot answer.

LORD PRESIDENT. The words I took down are that Watt said something of importance would soon be upon the carpet, or words to that effect; did you say so?

A. Yes.

Mr Anstruther. Q. I think you absented yourself from the meeting of the Committee?

A. Yes.

Q. I want

Q. I want to know what was your reason for it?

A. Here again my opinion is asked; put your question again.

Q. You absented yourself from the meetings of the Committee, I want to know your reason for absenting yourself from that Committee.

LORD PRESIDENT. The question is what reason was there for you to leave it?

A. Is it necessary upon a trial for life and death to state it?

Mr Anstruther. State the reason for your leaving that Committee.

A. I heard in seven or eight days afterwards, there was to be something important done, or acted upon publicly. I heard there was to be secret business before the Committee, and from that day forward I never attended the the Committee.

Mr Anstruther. You heard from Mr Watt that important business was soon to be upon the carpet, and you heard a report out of doors that some important secret business was to be before the Committee?

A. I heard that, and the conversation I had with Mr Watt was three months afterwards.

Q. With whom had you the conversation about the secret business, that was to come before the Committee?

A. I could not tell you if my life were depending upon it.

Q. Do you swear that?

A. I do.

Q. You swear that you don't know the persons from whom you heard that secret business was to come before the Committee?

A. I solemnly swear that.

Q. Did you ever ask any of the members of the Committee whether that was true or not?

A. I never did. I have already assigned my reason, I wished whatever concern I had with public reform, it should be open and fair, and not secret business.

**Q.** How did you know there was to be secret business if not informed by the members of it?

**A.** I took it for granted.

**COURT.** Did you ask Mr Watt what that business of importance was?

**A.** No.

**Q.** Did you understand it from him?

**A.** I did not.

**LORD PRESIDENT.** You said first that some secret business was to be before the Committee, and then said you heard it out of doors?

**A.** Yes.

**Q.** I think you said afterwards you heard it from one of the Committee?

**A.** No.

**Mr Anstruther.** Then I desire you to answer me upon oath, and take care of the answer you give this question, whether you have not given a different account of your conversation with Watt, and your reason for leaving the Committee from what you have now given?

**A.** I cannot recollect, but this is the solemn truth I declare upon oath.

**Q.** Answer me this question,—do you swear you never gave a different account of this conversation at another place?

**A.** To the best of my recollection I did not, and consistent with truth I could not, because it is not true; if I was to be guillotined for it I will stand by that.

**Mr Erskine.** In arguing every branch of this cause, we must feel ourselves under very great difficulties, because we are on the instant obliged to resort to a law, of which, till this prosecution, we knew nothing. The question put by Mr Anstruther is undoubtedly not competent by the law of Scotland, and accordingly we are told every day in the Court of Justiciary, if we attempt to shake the testimony of a witness by showing a discrepancy on former occasions, that such questions are not pertinent to the issue, as he has bound himself by his solemn oath to speak the truth. My acquaintance



tance with the law of England has been short and imperfect, but I am satisfied it concurs with ours.

*Mr. Anstruther.* I understand Mr Erskine's objections to be grounded on the law of Scotland, by which I understand a witness has a right to have his examination before the Magistrate destroyed before he gives his evidence. By the law of England he has no such right; he may be indicted for perjury upon it, and I have a right to make use of every information I can gain from it.

**LORD PRESIDENT.** I certainly was under a difficulty with respect to this matter, for judging by our own practice, I should have conceived it to be as Mr Erskine has stated it. I believe the practice in England to be different in this particular. But I wish the King's Counsel to consider whether it would not be right to abstain from questions, which are exceptionable according to our ideas.

*Mr. Anstruther.* I have stated what I take to be the law of England, but shall implicitly follow your Lordship's wishes upon the subject. I must say this witness has given his evidence in a manner that does not entitle him to much attention from the jury.

**MR. BARON NORTON.** In general no witness is attempted to be discredited by his own Counsel.

*Mr. Anstruther.* I thought it necessary to bring him to this point, that the jury might see exactly the character of the witness.

*Mr. Hamilton.* I submit Mr Anstruther is not competent to speak upon this matter now; the Lord Advocate will sum up the evidence upon the part of the Crown, but now he is anticipating a part of the charge, and stating that the witness is not to be attended to.

**COURT.** If you can say he has given any thing favourable to you, you may have the benefit of it; but, says Mr Anstruther, I have brought him forward to prove my indictment, but from the manner he gives his evidence, I place little reliance upon him.

*Mr*

*Mr Anfleuther.* The Counsel for the prisoner are entitled to make any use they think proper of the evidence of this witness, but I shall not desire the jury to pay much attention to any thing he has said unless he is confirmed by other witnesses. We shall now read part of the minutes of the British Convention.

*Lord Advocate.* It might save the Court and jury some time, if it was reserved for me to quote from the minutes of the British Convention those parts which appear to me to establish a charge, as I am to speak last.

*Court.* If you are to speak last, and do not now tell the jury what you mean to lay hold of, you have an advantage—you have proved these minutes to be the minutes of the Convention, and you ought to read them.

(The Clerk of Arraignment read the paper.)

1st days Sitting, 19th Nov. 1793.

*Mr Dundas.* There was a previous meeting before.—Look farther, you will see Mr Margarot moved, “ That previous  
“ to publishing an address to the public, a Committee be  
“ forthwith appointed to consider the means, and draw up  
“ the outlines of a Plan of General Union and Co-operation  
“ between the two nations in their Constitutional pursuit  
“ of a thorough Parliamentary Reform,” which was unanimously agreed to.”

GEORGE ROSS Sworn.

*Lord Advocate.* Look at those papers; do you see your handwriting there.

A. There is part of mine here—this is my hand writing dated 28th Nov. 1793,—some parts are mine.

(Part

(Part of that paper read as follows:)

“ Citizen Sinclair read the amendments upon Citizen  
 “ Callendar’s motion as agreed upon by the Committee, and  
 “ it was agreed upon the motion of Citizen                   , that  
 “ the House resolve itself into a Committee for its mature  
 “ consideration.—In the course of the conversation, Citizen  
 “ Brown gave a history of the Habeas Corpus Act.—After  
 “ an excellent discussion of the question, pertinent remarks  
 “ and amendments, the Convention was resumed, and the  
 “ whole, as amended being read over, the members stood  
 “ upon their feet and solemnly and unanimously passed the  
 “ resolution as follows:

(Here a page left blank).

“ Citizen Gerrald, in an energetic and animated address,  
 “ expressed his happiness at the motion passed, and expos-  
 “ ed the act of the Irish Parliament, called a Convention  
 “ Bill.

“ And Citizen Brown followed him in a manly speech,  
 “ and proved the influence of the Executive Government  
 “ over the Parliament. Citizen Margarot read and pro-  
 “ posed the following motion, viz. That a Secret Commit-  
 “ tee of three and the Secretary, be appointed to deter-  
 “ mine the place where such Convention of Emergency  
 “ shall meet, that such place shall remain a secret with  
 “ them and with the secretary of this Convention, and that  
 “ each delegate shall, at the breaking up of the present  
 “ Session be entrusted with a sealed letter containing the  
 “ name of the place of meeting—this letter shall be deliver-  
 “ ed unopened to his constituents, the receipt of which  
 “ shall be acknowledged by a letter to the secretary, pre-  
 “ served in the same state until the period shall arrive  
 “ at which it shall be deemed necessary for the delegate to  
 “ set off. This motion was seconded by Citizen Moffatt,  
 “ and the same was passed unanimously.

“ The



“ The following Citizens were nominated, with the secretary, a Secret Committee on this business, viz. Margarot, John Clark and Brown; and they were requested to devise the best possible means of conveying this intimation to those societies whose views were the same with ours, but may not have delegates at this Convention.”

*Lord Advocate.* Q. Do you know the prisoner at the bar?

A. Yes, Sir.

Q. When and where did you know him?

A. It is not long since. I am not intimately acquainted with him. I have seen him sometimes in my house.

Q. At what particular period did you first see him in your own house?

A. I think about the beginning of this year or the end of last year.

Q. Pray, Sir, do you know any thing of a Committee of the Friends of the People, who were represented in the British Convention, meeting in your house after the dissolution of that Convention?

A. Yes.—I understood a Committee of the Friends of the People met in my house.

Q. About what period?

A. About the period I mentioned before.

Q. Does it consist with your knowledge that Watt was a member of that Committee?

A. I have heard that Mr Watt was a member of that Committee, and seen him meet with other people at my house, but I never was present at any society who made choice of him, and never was present at the Committee myself.

Q. Do you remember any others that met at the same time with Mr Watt?

A. Yes.

Q. Give their names.

A. Mr Orrock, Mr M'Ewan, and Mr Downie.

Q. Where does Orrock live?

A.

A. At the Water of Leith.

Q. What is McEwan?

No answer.

Q. Have you seen them together?

A. To the best of my knowledge, they did meet together.

Q. Do you know what the name of that Committee was?

A. I understood it was a Committee of the Friends of the People, I never knew any other name.

Q. Did you ever hear any other name mentioned?

A. I cannot say; it had some particular name, whether it was this or not, I do not know;—it was called a Committee of Union, this I heard of at that time.

Q. When those persons assembled at your house, did they go into an apartment by themselves?

A. They did.

Q. Did you ever hear or know of any inferior or subordinate Committee Meeting at your house, other than the Committee of Union?

A. I cannot say whether there were one or two Committees,—as far as I recollect, I thought there were two,—they met at my house, as if there were two, or that part of them belonged to each.

Q. If there were two Committees, were they composed of the same condition of persons or societies, or were they the same individual persons?

A. I mean the same persons.

Q. You must explain it.

A. A part of those who composed one Committee, composed the other.

Q. Were the whole of those persons members of both Committees?

A. I am not certain whether they were two Committees or not,—but I know there was fewer of them met at one time, and a greater number at another.

Q. You say they began to assemble about the beginning of the year at your house.—How long, and how often did they continue to do so thereafter?

Q

A. Sometimes

A. Sometimes they met once a week, and sometimes not,

Q. When did they discontinue their meetings, ultimately and finally?

A. I don't know,—I left Edinburgh myself, some time ago, and before that there had been a meeting.

Q. Had Watt been apprehended before you left Edinburgh?

A. Yes.

Q. Downie the same?

A. Yes.

Q. Had M'Ewan?

A. I cannot say.

Q. Did those men continue to meet, from the beginning of the year, till the arrest of Downie and Watt?

A. Yes. As far as I can recollect, there were meetings previous to their arrest.

Q. A short time before?

A. Yes. I think there were.

Q. Now, Sir, you was a member of the British Convention?

A. Yes, Sir.

Q. Were all or any of those you saw at your house at that time, members of that Convention?

A. I don't think Watt was.

Q. Was Downie?

A. Yes. I think he was.

Q. Was M'Ewan?

A. Yes. I think he was.

Q. Do you recollect the names of any other persons who appeared to be members of the Convention, who attended your house, at the same time Downie did?

A. Yes. I believe one Bonthorne.

Q. What is he?

A. I believe a teacher.

Q. Any other person?

A. I am not sure whether Mr Aitchison was not one of them.

Q. Dg



Q. Do you know a person of the name of Stock?

A. Yes.

Q. Did he attend the above meetings in your house, much about the time that Watt, Downie, Bonthorne, Orrock and M'Ewan attended?

A. Yes. I have seen him twice or thrice there.

Q. After the dispersion of the British Convention, does it come within your knowledge, that the societies of this city, who sent delegates to that Convention, continued to meet?

A. I believe two societies did.

Q. Who were they?

A. One on the south side of the town, and the other at my house.

Q. Do you know a place called Symon's Square, on the south side of the town?

A. Yes. It was there the society met.

Q. Was you ever present at any of their meetings?

A. Yes. As the society which met at my house gave up, very few having come to it.

Q. Did they continue to meet there, while the trials of Gerrald, Skirving, and Margarot were pending?

A. I cannot answer the question put in that way.

Q. From the time Skirving was tried, to the 10th of March, when Gerrald was tried, did the Symon Square Society continue to meet?

A. I cannot say.

Q. Upon those occasions, when you were there, what numbers met?

A. The room might be full,—it was a small room.

Q. What number might be there?

A. I dare say, when very crowded, there might be perhaps, sixty or seventy people.

Q. Do you know a person of the name of Hardy, in London?

A. I have wrote to him.—I don't know him, I have wrote to him once.

Q. 2

Q. When?

Q. When?

A. I believe it might be about the end of last year, or beginning of this.

Q. Pray, Sir, did Mr Hardy ever transmit to you, since the beginning of this year, any package, papers, or letters, which he desired you to circulate?

A. No. He never did.

Q. Did you ever receive any letters or papers of that description, with the signature of Hardy to them?

A. Yes. I recollect some printed letters, signed T. Hardy.

Q. What time of the year did you get these?

A. I suppose about February, or March, or April.

Q. How did you receive them, and from whom?

A. If I recollect properly I think it was Mr Stock gave them me.

Q. What did you do with these letters?

A. I sent some of them into the country, as the letter seemed to indicate its purpose.

Q. How many might there be?

A. About half a dozen I sent in that manner.

Q. To whom did you think it your duty, and did you actually send them?

A. I sent them to the members of the different societies of the friends of the people in the country?

Q. Do you recollect any town or particular person in that town, to whom you sent that letter?

A. I sent one to Perth, one to Paisley, one to Strathaven, and I think one to Dundee.

Q. Do you recollect to what particular person you addressed that letter to Perth?

A. I am not very certain whether it was to Sandilands or to Walter Miller at Perth. He was shewn the printed letters here and interrogated about the hand-writing on the inside of it, before he was asked about the direction on the back.

Q. Whose hand-writing is it upon the back?

A. It is mine also.

Q. Do

Q. Do you believe that to be one of those received from Stock?

A. I suppose I received it among the rest.

Q. You say you sent one to Paisley, do you recollect who you sent it to?

A. I do not.

Q. Do you recollect to whom you sent it to at Strathaven,

A. To James Wilson, I think.

Q. And you sent it by post?

A. Yes, I suppose I did.

Q. You did not send a private hand with them?

A. No.

Q. Do you recollect to whom you addressed one to Dundee?

A. I do not.

Q. Do you recollect any other towns you sent that paper to?

A. I do not recollect at present.

Q. Do you know a man of the name of Fairley, a cabinet maker?

A. Yes.

Q. Was he a member of that Committee?

A. I am not certain if he was.

Q. Do you know, or did you ever hear in any conversation among the friends of the people, or those societies, of an intention of arming about that time?

A. No, I did not.

Q. Had you any occasion ever to see any arms in the hands of the prisoner, or any other member of the societies?

A. No, I did not.

*Mr Anstruther.* We shall read the letter and another letter found in the possession of Hardy.

### *Cross Examination.*

*Mr Erskine.* Q. Have you not said Watt was not a member of the British Convention?

A. No, Sir.

Q. You



Q. You talked of two societies, one at your house the other at Simon Square, was he a member of either?

A. I don't know that he was.

Q. The British Convention began in October I believe?

A. About November.

Q. When was it dispersed?

A. It was about the beginning of the last year.

Q. Do you know whether all their proceedings were inserted regularly in the papers?

A. They did appear in the public papers.

Q. Just so, and there was no other public intimation given of any of the proceedings of any of them?

A. No.

( Letter read. )

“ FELLOW CITIZENS,

“ The Society in Strathaven received your circular letter  
 “ some time ago, respecting another British Convention to be  
 “ held in England, and finding it would be inconvenient for  
 “ them to send a delegate for themselves alone, the cause  
 “ being much suppressed here by prosecutions, which we are  
 “ subject to from the petty Sheriffs in our neighbourhood—  
 “ We have united ourselves with the Societies in Kilmar-  
 “ nock, Galston, Newmilns, and Dervill; accordingly a  
 “ meeting of delegates from these societies, and that in Stra-  
 “ thaven was convened on the first current, when the mea-  
 “ sures met with the fullest approbation, and a delegate  
 “ was elected for the general Convention, and a secret Com-  
 “ mittee appointed to conduct the business; you will there-  
 “ fore forward your orders to us, when and where the  
 “ Convention is to meet with any other instructions or in-  
 “ formation you may judge necessary, we shall instruct our  
 “ delegate respecting the number and strength of our socie-  
 “ ties, and are happy to fraternize with you in any thing  
 “ that may tend to promote the general good.”

We remain yours,

ALEX. MITCHELL Sec.

“ In

" In the cause of Liberty for the united Societies as above,  
Dated Strathaven 9th April 1794."

*Mr Anstruther.* We will read the other paper to which this was the answer.

*Lord Advocate.* It is the same gentleman produces it, Lauzun. It was found in the possession of Hardy.

*Mr Erskine.* It is needless to read it.

*Here Hardy's circular letter was read.*

MR LAUZUN *Called.*

Q. Did you find a paper among Hardy's papers signed Alexander Mitchell—of what date is it?

A. No Sir, one Mr Gurnall found it.

MR JAMES GURNALL *Sworn.*

Q. What are you?

A. A King's messenger.

Q. Look at those two papers lying before you, marked with your name, tell me where you got them?

A. I got this paper in Mr Hardy's house.

Q. Look at the other.

A. This I got there also.

ALEXANDER MITCHELL *Sworn.*

*Mr Anstruther.* Q. Mr Mitchell, is that your hand writing?

A. I could not positively say Sir, I am persuaded it is.

Q. Mr Mitchell, what business are you?

A. A manufacturer in Strathaven.

Q. What letter was it written in answer to?

A. It was written in answer to a circular letter received by post.

Q. Was that a written or a printed letter?

A. It was a printed letter.

Q. Look at that letter and say whether it is like it? is it like that letter?

A. Yes

A. Yes—I believe it was similar.

Q. In answer to such a letter as that you wrote this letter?

A. Yes, Sir.

Q. Do you recollect the name of the person affixed to that printed letter?

A. It was Hardy.

Q. In consequence of that letter, was there a meeting of the society at Strathaven?

A. Yes there was, Sir.

Q. Did you and the other societies in that neighbourhood chuse a delegate.

A. There was a general meeting held, and it was agreed upon at that meeting to chuse a delegate.

Q. A delegate to what?

A. To what was termed a British Convention.

Q. In consequence of that letter you chose a delegate to another British Convention, from the societies in your neighbourhood?

Mr BARON NORTON. I don't think the witness is bound to say any thing to criminate himself.

*Witness.* My Lord, I cannot conceive wherein the present question has any direct relation to the object of my evidence, but I appeal to the judgment of the Court whether I shall answer or not.

LORD PRESIDENT. You are in no danger at all, you have taken an oath to speak the truth, and you ought to do so.

Q. Did you do any thing in consequence of that letter?

A. Yes, I did.

Q. You was secretary to the meeting, I think?

A. Yes.

Q. You wrote that letter as Secretary?

A. Yes, Sir, directed to Mr T. Hardy, Shoemaker, No. 9. Piccadilly, London, for the London corresponding Society. Direct to Alexander Mitchell, manufacturer, Strathaven, county of Lanark.

Mr *Anstruther*. From whom did you receive the printed letter?

A. I do



A. I do not know, it came by post, I suppose, and it was not properly directed to me, it came to another. I was not Secretary to the Society of Strathaven, but to the meeting of the societies mentioned in the letter.

MR LOCKHART, Sworn.

Q. What are you ?

A. The Depute Sheriff Clerk.

Q. Had you ever any occasion to search the house of Mr Watt !

A. Yes.

Q. Upon what occasion did you search the house ?

A. It was upon occasion of searching for some goods of a bankrupt, that they said were secreted in Watt's house ?

Q. What did you find there ?

A. I found a box of goods, and I found some pikes.

Q. Where are those pikes ?

A. There are twelve I found upon the first search.

Q. Where did you find them ?

A. In a locked press in one of Mr Watt's rooms.

Q. Had you ever occasion to make another search in Watt's house ?

A. Yes, Sir.

Q. Upon what occasion ?

A. I went down the same evening to see the windows secured, it was between twelve and one o'clock ; I ordered a closet to be broke open.

Q. After finding the first parcel, what did you do ?

A. I took it away with me, and carried it to the Sheriff, and shewed what I had found, and there was a warrant for a further search.

Q. Upon that further search, what did you find ?

A. Two halbert-headed things and more single pikes.

Q. Where did you find them ?

A. In a closet upon the second search.

Q. This was about mid-night ?

A. Between twelve and one.

R

Q. What

Q. What month was it ?

A. Upon the 15th of May.

Q. Did you try that pike and that stick ?

A. I did before I came out of the house.

Q. What did you try it with ?

A. I found this one first, and tried that on it.

Q. Put it on now.

A. It is a smaller one that screwed into the hole, and the large one went over it.

Q. Shew that to the Gentlemen of the Jury, (a complete small halbert.)

Shew them how it fits the large one with the halbert head.

A. It screwed on in the same manner as the small one did.

Q. (To Lockhart) Does the screw of that large one fit the screw of that other ?

A. Yes.

Q. What is that other thing ?

A. I fancy it is meant as a dagger.

Q. So that it would fit any other pike ?

A. Yes.

Q. You found these in Mr Watt's House ?

A. Yes, Sir,

Q. Where did you carry those pikes to from Mr Watt's house ?

A. To the Sheriff Clerk's Office.

Q. Did you find any thing else there ?

A. There was a fount of types.

Q. A fount of types ?

*Witness.* They were entire at the time.

Q. Were those types set when you found them ?

A. Yes, they were.

Q. How came they to be in the state they are ?

A. I lifted them rather rashly the other day, when I went to exhibit them before the Grand Jury, and they broke down.

LORD

LORD PRESIDENT. Are there any standing?

A. Yes.

Mr *Anstruther*. What did you do with those types when you found them?

A. They were lodged in the Sheriff Clerk's Office.

Q. What was done with those types when they were in the Office?

A. I was not present at any thing done there with them!

Mr *Anstruther*. I will prove an impression taken of them.

WILLIAM MIDDLETON, Sheriff's Officer, Sworn.

Mr *Anstruther*. Q. Had you ever any occasion to search the house of a person of the name of Orrock?

A. Yes, I had in the evening of the 15th May last.

Q. Under what warrant?

A. Under the Sheriff's warrant. Robert Orrock, he is a smith at Dean. Before I went to Orrock's, I searched Watt's house.

Q. What did you find?

A. I found in a closet in the under story of Watt's house a dozen of spears.

Q. Was Lockhart with you?

A. Mr William Lockhart was with me.

Q. What did you find there?

A. There were twelve spears found in Watt's house on the first search, and upon the second search four others found, sixteen in all.

Q. Are those the instruments?

A. Those are the identical instruments.

Q. Did you ever find any thing else in Watt's house?

A. There were, in the presence of the Sheriff and Lockhart, a set of types found. I seriously believe these are the same, but they are not in the same situation as when found, they have been accidentally broke down, they were set and entire when they were found.

Q. Did you search the house of Orrock on the 15th May?

R 2

A. The



A. The smiddy of Orrock was searched, and I think there were fifteen of these; these are the instruments found in the smiddy of Orrock.

Q. How many?

A. I think 33 unfinished in this state.

Q. All halbert heads?

A. Those are part of them, in the nighest finished state.

Q. Shew them that are in the finished state, and those unfinished?

A. Here are those in the unfinished state, and the others more finished.

Q. You found these in the house of Robert Orrock?

A. In the smiddy of Orrock.

Q. Not in the house?

A. No, we found nothing there but in the smiddy. He was brought to the Sheriff Clerk's office, along with those articles.

Q. Had you ever occasion to search the house of Walter Miller?

A. I did not search there.

Q. In what part did you find the types in the house of Watt?

A. In the upper story,—they were found by the Sheriff himself, on a shelf in a closet in the upper story. I lodged the types in the Sheriff's office, and carried them from Watt's house to it.

*Mr Anstruther.* Those found in Watt's were found in the press—those in Orrock's all in the smiddy?

A. Yes.

Q. Were they in a concealed place in the smiddy?

A. These two were rather in a concealed way under the ashes upon the hearth in the smiddy, but the others were in a box in the back part of the smiddy, and did not seem to have any thing to cover or conceal them?

Q. What became of those types after you carried them to the Sheriff Clerk's office?

A.

A. I believe they were carried to the Sheriff Clerk's office, and remained there ever since for any thing I know.

Q. Was you present when any impression was made of them?

A. No.

JAMES WALKER Sworn.

Q. What is your name?

A. James Walker.

Q. Did you ever see a fount of types in the Sheriff Clerk's office?

A. Yes.

Q. When?

A. I think it was in May about the 20th, some time after the 20th or 23d May I think, I could not say the day, but it was some time in May.

Q. What are you by profession?

A. I am a writer in the Sheriff Clerk's office.

Q. What became of that fount of types?

A. I don't know what became of them.

Q. Did you see any impression taken off?

A. Yes, I saw a dozen impressions taken off.

Q. In whose hands did you see that fount of types?

A. I saw it in the Sheriff's hands, and if I recollect I carried it up to Campbell Denovan's printing office.

Q. What distance is that?

A. Not far, it is just in the same close.

Q. Is it as far as to the window there?

A. No, it is farther; we first go up the Close a little, and then up a stair-case to the printing office.

Q. Did you see the impressions taken off at that office?

A. Yes.

Q. Look at this?

A. Yes, I saw this one.

Q. Did you put your name to it?

A. Yes.

Q. Did you put it at that time?

A.

A. I put it when my declaration was taken.

Q. Are you sure it is the paper you saw taken off?

A. Yes, I am certain it is.

JAMES CLERK, Esq. (Sheriff Depute.) Sworn,

*Mr Ansfruther.* Did you ever receive a fount of types in your office, Mr Clerk?

A. I found a fount of types in Mr Watt's house upon the evening of the 15th of May. Mr Lockhart, the Sheriff Clerk Depute, came with a pike to the office while I was there, which he said he had found in Watt's house, upon which I granted a warrant to apprehend Mr Watt himself, and to search his house, which was accordingly done; and other pikes being found, were also brought to the office, where Mr Watt was likewise brought for examination. After which the house was ordered to be secured 'till the next day; accordingly it was so, and next day I went with Mr Lockhart, Middleton and Watt's maid, to inspect his papers, and likewise to secure any thing else found in the house that might appear material. In the course of this search, and in an upper closet, whether upon a shelf or on the floor I do not recollect, we found a fount of types set up for printing; finding this in a house that was not a printer's, led me to examine the fount of types, which I endeavoured to read. I could read Dundee, 12th April at that time, and a line something to this purport: "for that purpose alone you are enlisted," it was in words to that purport.

Q. These were in capital letters?

A. Yes, I could not read the small letters, I read the large letters.

Q. State what you did with the fount?

A. There was a multiplicity of business going on, the fount and types were put in a place where I had the key, and afterwards I sent a lad, a young man that writes in the office, and a Mr Wishart to Campbell Denovan's printing office in the same close, and desired them to throw off 12 copies;



copies; they did it in the course of a few minutes while I was there; and having returned the fount to me, I then locked up the types, and they were kept in my possession till sent to the Grand Jury.

Q. Did you give the Lad the fount of types exactly in the same state, in which you found it in Mr Watt's house?

A. Exactly in the same state, and there were twelve copies taken from it, at that time.

Q. Is that one of the copies? read it slow.

A. It is dated Dundee April 12th 1794.

Q. Is it in printing or in writing?

A. It is in print.

" Friends and brethren—It is with the greatest pleasure  
 " that your countrymen are informed, that such is your at-  
 " tachment and love to them, and to your native country,  
 " that you manfully and firmly resolve not to leave it upon  
 " any terms contrary to those upon which you were at first  
 " engaged—Your countrymen love you, and their hearts  
 " would be as much wounded to part with you, as yours  
 " would be to be separated from them; they well know  
 " that they are safe under the protection of their fathers,  
 " their sons, their brothers in arms, and they neither wish  
 " nor desire any other defenders—they hope and believe that  
 " your heads are filled with the same sentiments.

" The great mass of the people from amongst whom you  
 " have been enlisted, have been represented to you, as  
 " your enemies—believe not the assertion, they have been  
 " taught to consider you as foes, but they do not fear find-  
 " ing friends amongst their brethren.

" Their cause and yours is the same—They are poor, but  
 " they have honest hearts; hearts which sympathize in your  
 " cause; they look for the same friendship and the same  
 " sympathy in you.

" They rejoice to hear, that you are becoming daily  
 " more convinced of the great truth, that the law ought to  
 " be the same to the Highlander, and to the Lowlander, to  
 " the rich, and to the poor, and no man can be compelled

" to

“ to take up arms, by any authority whatsoever, unless his  
 “ own inclinations prompt him to do so.

“ This truth has been hitherto carefully concealed from  
 “ you, but it is not the less certain, the will of your laird  
 “ cannot without your own consent, separate you from  
 “ your families and friends, although many of you may  
 “ have experienced the exertions of such a power, however  
 “ unjust, and however contrary to law.

“ We respect and admire that principle which induces  
 “ you, (though necessity has compelled you to take up arms)  
 “ still to persist in remaining to defend your friends at home,  
 “ and not to quit a country which holds pledges so dear.

“ When you are gone, where is their defence? They  
 “ may be either left without protection, or may soon see  
 “ their country over-run by foreign troops, such as in time  
 “ past have already shed the blood of your ancestors with-  
 “ out provocation, and without remorse; and who would  
 “ feel perhaps as little compunction in shedding yours.

“ Prepared for every deed of horror, these foreign mer-  
 “ cenaries may violate the chastity of your wives, your sis-  
 “ ters, and your daughters, and when desire is satiated,  
 “ cruelty may resume its place in their hearts, as experi-  
 “ ence has too well and too fatally shewn, and friends, pa-  
 “ rents, children, brothers may be involved in one com-  
 “ mon slaughter.

“ The cruel massacre of Glencoe cannot yet be forgot-  
 “ ten; are there not amongst you, whose forefathers perish-  
 “ ed there? their hearts throbbing with kindness and hos-  
 “ pitality were pierced with the daggers of their treacher-  
 “ ous guests, and the feast, prepared by the hand of unsus-  
 “ pecting friendship, was closed with a scene of blood; such  
 “ is the return for kindness and hospitality, such the pro-  
 “ tection which your families have to expect!!!

“ How will they look around in vain for your protecting  
 “ care, when perhaps you are fighting at a distance in a  
 “ foreign land—But they hope you will not forsake them,  
 “ stay, oh stay, and defend your families and your friends.

“ For

" For that purpose alone you were enlisted, they are  
 " ready to come forward for you in the vindication of your  
 " rights.

" 'Thousands join in the same sentiments with you, and  
 " ardently wish for your continuance among them.—The  
 " circumstances which might require you to quit your  
 " country have not yet taken place.—No invasion has yet  
 " happened, you cannot be compelled to go—leave not  
 " your country—assert your independence.—Your country-  
 " men will look up to you as their protectors and guardi-  
 " ans, and will in their turn lift up their arms to protect  
 " and assist you."

Dundee April 12th 1794.

JAMES SOMMERVILLE *Sworn.*

*Mr Anstruther.* Q. What is your name?

A. James Sommerville.

Q. What are you by profession?

A. A Printer.

Q. Did you ever take off any impressions from a fount  
 of types at Campbell Denovan's printing office?

A. Yes.

Q. Are you an apprentice of his?

A. Yes.

*Lord Advocate.* Did you ever take impressions from a  
 fount of types brought from the Sheriff Clerk's office?

A. Yes.

Q. Who brought it to you?

A. I went to the Sheriff's office for it.

Q. Who did you get it from?

A. From the Sheriff and some other gentlemen.

Q. Is that one?

A. Yes, we took several.

Q. Is that one of them?

A. Yes.



Q. Is that your hand writing?

A. Yes.

WILLIAM WATSON Sworn.

*Lord Advocate.* Q. Where do you reside?

A. In Dalkeith.

Q. Do you know the prisoner at the bar?

A. Which is he.

Q. That person that is standing up. Do you know that person?

A. No, I cannot positively say I know him.

Q. Did you ever see him?

A. Yes, I once saw him at his own house, a person they called Watt.

Q. Is that the person you saw?

A. I cannot say, I could not say upon my oath that is the person.

Q. Had you ever occasion to see a man of the name of Watt?

A. Yes.

Q. When and where did you see that person?

A. It was at his own door.

Q. Where is his own door?

A. Why, it is in the north side of the street.

Q. Is it in Edinburgh?

A. Yes.

Q. Upon the North side of the Street?

A. Yes.

Q. Do you know the North Bridge?

A. Yes.

Q. Is it above or below the North Bridge.

A. It was below the North Bridge.

Q. Who sent you there?

A. Why, I went with Mr Downie.

Q. Who is Mr Downie?

A. He is a jeweller and goldsmith in Edinburgh.

Q. In

Q. In what part of Edinburgh did Mr Downie then reside?

A. I don't know, but I have heard it said he lived in the Parliament Square.

Q. At what particular time was it you went with Downie, to the house of this Watt?

A. I could not remember the very particular time.

Q. Was it a year ago?

A. No, Sir, it was not a year ago.

Q. Was it six months ago?

A. I don't remember.

Q. Was it in winter or summer?

A. It was in summer, some time in the beginning of summer.

Q. Had you occasion to hear soon after that time of Watt and Downie being taken into custody?

A. Yes.

Q. How long before that time was it?

A. I cannot positively say.

Q. Was it a long time?

A. I do not remember.

Q. How long is it since Watt and Downie were taken into custody?

A. I don't know.

Q. Was it long after?

A. No.

Q. Would it be a month after your visit to Watt, along with Downie?

A. I cannot positively say.

Q. You reside at Dalkeith?

A. Yes.

Q. Do you remember a fencible regiment quartered at Dalkeith?

A. Yes.

Q. When was it?

A. I could not positively say the time when they came.

Q. Was it a year ago?

A. No, it was much about that time.

Q. About the time the regiment of fencibles were in Dalkeith you went with Downie to Watt's house ?

A. Much about that time.

Q. What regiment was that ? Do you know by whom it was commanded ?

A. It was Lord Hopetoun's.

Q. Where did you meet with Downie before you went into Watt's house ?

A. I was in the Lawn Market, and I saw him go by a shop door where I then was and had heard of a paper.

Q. Whose shop door ?

A. It was Mr Ritchie's.

Q. What paper was it you heard of ?

A. A hand bill about the fencibles.

Q. And Downie passed the shop door ?

A. Yes,

Q. What did you say to Downie ?

A. I heard of the hand bill, and I being curious to see it, went and asked Downie if he could satisfy my curiosity and shew me one.

Q. The witness says, being in the shop of one Ritchie in the Lawn Market, about the time of Lord Hopetoun's fencibles being at Dalkeith, he observed Downie pass the shop, and went to him in order that he might satisfy his curiosity ?

A. Yes.

Q. But Downie said he could not then ?

A. Yes, but he possibly might if I would follow him.

Q. Did Downie and you go to any place and where ?

A. Yes, he said he was going down the street, and if I would go down with him he might possibly get it,

Q. Where did he go with you ?

A. He went to the place which he called Mr Watt's house.

Q. Now, Sir, when you went to this man's house of the name of Watt, did you see that man ?

A. Yes, I saw him, Mr Downie went in, I followed him



him; it was just in the entry; whether Watt knew whether I got it or no, I don't know. Mr Downie came down in a few minutes.

Q. Did you see this Watt at that house?

A. Yes, I saw a man they called Mr Watt.

Q. Then, upon the great oath you have taken, say whether that is the man you saw, and I desire you to give an answer?

A. Upon the great oath I have taken, I could not positively say, it might be the man.

Q. Is it like him?

A. I could not remember the features of the man.

Q. What did you do after this, Downie and you?

A. Mr Downie came down the South Bridge.

Q. Was you present when Mr Downie put any questions to this Mr Watt?

A. I don't recollect what they said—he asked about the news of the day—or whether he asked Watt where he could get them, I cannot say.

Q. Did you hear any discourse between Watt and Downie about the hand bill? whether he asked Watt if he could furnish him or not with one?

A. I don't know—Mr Watt went in and Downie followed him, when I went in Mr Downie said he could not get them there.

Q. I ask you, did you in this short space of time while you was with Downie, hear that man Watt open his lips or not?

A. I dare say he opened his lips.

Q. You dare say!—did he or did he not?

A. Yes—I believe he did.

Q. Then I ask what was the purport of what he said—did it relate to that hand bill, the object of your visit to Mr Watt?

A. Mr Downie was coming away and he asked Watt how he did, and then Mr Downie asked me to come away with him.

Q. You

Q. You went into this man's house to whom you was a stranger, for the purpose of getting a hand bill relative to the Fencibles along with Downie, who said he would carry you to a place where you would be satisfied; what answer did Watt make to your question, or did he say any thing more after that preliminary question was put by Downie?

A. As it was a trivial question I did not take any particular notice.

Q. It is a trivial question, and therefore I ask you, was there any more important question put by Downie,—after Downie asked him how he did?—did he not ask Watt whether he could satisfy your curiosity?

A. I do not understand you.

LORD PRESIDENT. Lord Advocate, you had better go on.

Q. After you heard Downie ask this man Watt how he did, did Downie put any more important question to Mr Watt?

A. No—I do not think he did.

Q. Did he put any question at all to Mr Watt further?

A. No—I do not recollect that he did put any.

Q. Did he leave him directly?

A. He came along with me, he was a little before me.

LORD PRESIDENT. Did you ask Downie if he had got the hand bill from Watt?

A. Yes—and he said, he had not.

Q. That was the import of your conversation?

A. Yes.

Q. Was there any direction given to Downie in your hearing, as to the place where the hand bill might be got, which you was in search of?

A. I did not hear any thing else, but Downie asked him how he did.

Q. You came out with Downie?

A. Yes.

Q. Where did you go to?

A. We went to a shop upon the South Bridge belonging

to Kennedy, or in the management of him, his name is on the shop door.

Q. Did you know Kennedy?

A. I never saw him before.

Q. What conversation passed between you and Downie, and Kennedy?

A. Downie went into the back shop, I went in and Mr Kennedy gave me some of these things.

Q. Pray, was you a member of these clubs at Dalkeith?

A. Yes, I was.

*Mr Anstruther.* Q. You went from Mr Watt's to Kennedy's, and Mr Kennedy gave you a parcel?

A. Yes.

Q. How did he give it you?

A. He threw it down upon the floor and said, you had better take it up and say you found it, for fear any evil should accrue to any body from it.

Q. Now what was in that parcel?

A. Why a kind of address to the fencibles not to go out of the country.

Q. What did you do with it?

A. I gave it to several of my friends round me.

(An objection arose to his being asked such question, as might criminate himself.)

*Mr Anstruther.* He need not answer any that may criminate himself; did you give them to a person of the name of Sommerville?

A. No, Sir.

Q. Did you give them to a person of the name of Johnston?

*Mr Erskine*—I conceive it to be of all things the idlest and most superfluous, to recognize as a principle of law that a witness is not to answer a question that might criminate himself, without at the same time, warning him what might or not be a question, where the answer might criminate himself.

*Mr An-*



*Mr Anstruther.* Most unquestionably the witness is not bound to answer a question to criminate himself, and he is to judge for himself whether it does or not, and then he may answer if he pleases.

*Mr Erskine.* In the case of Lord George Gordon a person was brought as a witness, and the question was put to him whether he was a Roman Catholic, and there was no objection to it from the person himself; but Lord Kenyon and Mr Erskine objected to the question, upon this ground that if Mr Hay answered it, he would subject himself to penalties.

*Mr Anstruther.* Mr Erskine forgets the question came from Lord George's Counsel, whether the person was a Roman Catholic or not; the witness asked whether he was bound to answer the question, the Court told him if the answer would subject him to penalties, he need not answer.

*Mr Erskine.* I care not from whom the question came; because whether from the Crown or the prisoner, the principle is just the same.

LORD PRESIDENT. I wish to know whether the Lord Advocate means to prosecute this witness.

*Lord Advocate.* With the exception of Downie and Stock, the persons whom your Lordships know bills of indictment are found against; I don't mean to bring any prosecutions against other persons upon this account.

*Mr Erskine.* My Lords, another Lord Advocate may be appointed to-morrow, and I should be glad to know whether another Lord Advocate, notwithstanding what the honourable gentleman has now said, would not be competent to prosecute any person he thought proper; Lord Chief Justice Jefferies prohibited a question of the same sort, because it would subject the witness to penalties.

*Mr Anstruther.* It is impossible that it can be a rule of law, that a witness is prohibited from answering such questions; that would be to prevent an accomplice from giving evidence in any case; he is at liberty to give his evidence if he pleases.

*Mr Dun-*

*Mr Dundas.* The Court has given warning that he need not give any answer that may criminate himself.

*Mr Erskine.* A witness may answer the question, but he ought to be informed he need not answer it unless he pleases to criminate himself.

*Mr Anstruther.* Q. Mr Watson, I have told you that you are not bound to answer any question that criminate yourself; you have told me you gave one of those papers to a person of the name of Johnston?

A. Yes.

Q. Now, answer me, whether Mr Watt ever told you, or told Downie, in your hearing, whether you would get these papers, where they were to be found; or whether he told Mr Downie any thing about any papers in your hearing?

A. No. I don't recollect that he did.

Q. But you went from Watt's house to Kennedy's shop, there what passed you mentioned?

A. Yes.

Q. You got a parcel of them?

A. Yes.

Q. Now, was there any other paper? Do you know a Committee, called a Committee of Ways and Means?

A. No.

Q. Was you a member of the Convention?

A. Yes, I was.

Q. Was you a secretary to the Friends of the People at Dalkeith?

A. I was secretary once.

### WILLIAM JOHNSTON Sworn.

*Mr Anstruther.*—Q. Do you know a person of the name of William Watson?

A. Yes.

Q. Is he the man that was here just now?

A. Yes.

T

Q. Did

Q. Did you see him in the next room?

A. Yes.

Q. Did you ever receive a printed paper from him?

A. Yes.

Q. What did you do with it?

A. I gave it to James Sandilands.

Q. Do you remember what it related to in general?

A. I think it was an Address to the Fencibles, or something of that nature.

Q. At what period of time was this?

A. I cannot tell the time; it was probably in the Spring of the year; I cannot recollect the time.

Q. Was it about the time that Lord Hopetoun's Fencibles were at Dalkeith?

A. Yes. I dare say it was.

Q. Can you recollect where the paper was dated?

A. I think Dundee.

JAMES SANDILANDS Sworn.

Q. Do you know a person of the name of William Johnston?

A. Yes, Sir, I do.

Q. Did you see him in the other room?

A. Yes, Sir, I did.

Q. Did you ever at any time receive any printed paper from him?

A. Yes, I did.

Q. When?

A. I don't perfectly recollect the time.

Q. About what time was it?

A. About the month of April or May.

Q. Was it at the time the Fencibles went through Dalkeith?

A. Yes. It was about that time.

Q. What sort of a paper was it?

A. I don't know. I never looked at the paper; we had some conversation about it.

Q. What



Q. What was the conversation between you about?

A. One William Johnston asked me if a Serjeant would look at it; I gave it to Serjeant Hardy.

Q. You took it from the hand of Johnston?

A. Yes.

Q. And you put it into the hand of Serjeant Hardy?

A. Yes, I did.

Lord Advocate.—Q. Hardy is a Serjeant in Lord Hopetoun's Fencibles?

A. Yes.

### SERJEANT HARDY Sworn.

Q. Do you know a person of the name of Sandilands?

A. Yes.

Q. Did you ever receive from him any printed paper?

A. Yes.

Q. What was it about?

A. It was a seditious paper, concerning the Fencibles not going out of Scotland.

Q. What regiment do you belong to?

A. The Earl of Hopetoun's.

Q. You are a Serjeant in it?

A. Yes.

Q. About what time was it?

A. About the 10th of May.

Q. Was your regiment in Dalkeith about that time?

A. Only part of the regiment were marching through it.

Q. How long were you at Dalkeith?

A. Three days.

Q. What day of the week do you recollect was it?

A. It was on Saturday I got the paper.

Q. Was it in Dalkeith you got the paper?

A. It was on the street in Dalkeith.

Q. Where was the regiment going at that time?

A. It was going to Liverpool.

Q. Did the regiment go to Liverpool?

T 2

A. Only

A. Only part went to Liverpool.

Q. Did the part you went with go to Liverpool?

A. No.—To Whitehaven :—105 went to Whitehaven; two hundred to Liverpool.

Q. Is that the paper? look at it.

A. Yes. The very paper.

Q. Do you recollect what conversation passed at the time you had that paper delivered to you?—State what passed at the time.

A. This gentleman, Sandilands, came to me, and bade me look at that paper; I asked him where he got it. He told me; but I do not recollect the man's name. I asked him, if he had any thing to do concerning that paper, or the people that put it out; he said no, he had not; there were meetings in towns, but he never attended any of them.

Q. And he gave you that paper?

A. Yes.

Mr Anstruther.—Gentlemen, it is the same paper that has been read to you, which answers, verbatim, to the copy taken off the types, and the very identical paper which Hardy received from Watson.

Q. (To Hardy,) Do you know of any other being distributed in your regiment?

A. No. I never saw any other but this I received myself.

ARTHUR MEWAN Sworn.

Examined by Mr SOLICITOR GENERAL.

Q. Pray, what is your occupation?

A. I was bred a weaver.

Q. Where do you live?

A. At the Water of Leith.

Q. Do you know if there is a society of the Friends of the People at the Water of Leith?

A. Yes.

Q. Was you a member of that society?

A. Yes.

A. Yes.

Q. Do you know that they sent several delegates to the British Convention?

A. Yes. They sent several.

Q. Was you a delegate?

A. Yes.

Q. Did you attend the Convention regularly?

A. Yes.

Q. Did you attend them when they were dispersed?

A. Yes.

Q. At what time?

A. At the end of November or beginning of December.

Q. After this dispersion happened by the Civil Magistrate, did the Water of Leith Society continue to assemble as before?

A. Not so frequently.

Q. But you assembled some times?

A. Yes.

Q. Do you know the other Societies assembled here?

A. I never went to any of them but that which I belonged to, I was elected by them to a Committee.

Q. What was the Committee called?

A. A Committee of Union, by a printed paper; what it was formerly, I don't know.

Q. You was a delegate from the Society?

A. Yes.

Q. Where did it meet, that Committee of Union?

A. At George Ross's.

Q. What might be the number of the Committee of Union?

A. I don't know.

Q. Might it be twenty or thirty?

A. I suppose it might be more than that.

Q. Had they many meetings, this Committee of Union?

A. They had frequent meetings.

Q. Did they form another Committee of themselves?

A. Yes, they did.

Q. How



Q. How did you call that ?

A. That Committee was called a Sub-committee.

Q. Had it any other name ?

A. It was after that called a Committee of Ways and Means.

Q. Were they chosen by the Committee of Union, from their members ?

A. Yes.

Q. Was you one of the Committee of Ways and Means ?

A. I was a member of the Committee, but it was called a Sub-committee.

Q. But it got the name of a Committee of Ways and Means ?

A. Yes.

Q. What did you understand to be the object or purpose of this Committee of Ways and means ?

A. The object I understood was, two or three weeks before, that there was a letter read to that Committee, intimating that a letter had been received from Mr Skirving, wherein it appeared that the Convention owed him a sum of money, and hoped they would pay him, as he was going to leave the land.

Q. How many did the members of that Committee consist of ?

A. It consisted of seven.

Q. Was Watt one ?

A. Yes.

Q. Who else ?

A. Mr Aitchison, Mr Stock, Mr Burke.

Q. Was Bonthorne ?

A. Mr Bonthorne and myself.

Q. Was Downie a member of it ?

A. Yes, David Downie.

Q. Had you many meetings of this Committee of Ways and Means ?

A. Yes, there were many meetings.

Q. Where

Q. Where was it held, was you there at the first meeting?

A. I was.

Q. What business passed at that meeting?

A. No business passed that night, but a letter brought by Alexander Aitchison.

Q. Do you recollect what it was about?

A. I think it was about the Gazetteer.

Q. But nothing else happened at the first meeting?

A. No.

Q. About what time was it?

A. About the tenth of March.

Q. At which no material business was transacted?

A. No, no farther than I mentioned.

Q. Was you at the second meeting of the Committee of Ways and Means?

A. Yes.

Q. Who attended at that meeting?

A. I think there was Mr Burke, Mr Stock, Mr Watt, and Downie, Mr Bonthorne and myself.

Q. Was Aitchison there?

A. No, he was not.

JURY. Repeat the names of the Committee; was Watt at the second meeting?

A. Yes.

Q. Now, at this second meeting of the Committee of Ways and Means, at which you was present, and Watt was present, was there any proposition or plan laid before the Committee by Watt?

A. Not that night, there was nothing done that night, the second night, but a letter wrote of congratulation to Mr Gerrald.

Q. Then, who were present at the third meeting? tell first who were present at that third meeting?

A. At the third meeting, there were Mr Watt, Mr Downie, Mr Bonthorne, Mr Stock, and I.

Q. The

Q. The others were not present?

A. No.

Q. Whether at this meeting was any proposal made by Watt or any plan laid before it by him?

A. My Lords, as far as I can recollect, Mr Watt produced a paper that night, which contained a plan to seize the Lord Justice-Clerk, the rest of the Lords of Session, and the Lord Provost; also, to have a number of men placed at the Weigh-house, and a number at the Lucken-booths; to put a fire at the Excise Office, to draw the military from the Castle, and when they came down, those placed at the Weigh-house, with the others at the Lucken-booths, were to enclose them, at the same time numbers were to seize the different Banks of this town, and to appoint Commissioners to go and demand the cash of them.

*Counsel.* Gentlemen, I suppose, you have heard what he stated.

JURY. Q. Do you say this proposal was made by Watt?

A. I think it was in writing.

Q. Did Watt take it out of his pocket?

A. Yes, he did.

Q. Did he read it?

A. Yes, he did.

Q. Did he make any corrections as he went along?

A. If I recollect right, he seemed to interline some things in it.

Q. You mentioned you were to seize certain persons, mention them over again?

A. It was the Lord Justice-Clerk, the rest of the Lords of Session, and then the Lord Provost.

Q. What were they to do with them?

A. That I cannot remember.

Q. Only that they were to be seized?

A. That was the expression.

Q. Was there any thing mentioned about seizing the Castle?

A. No, I don't remember that being spoke of in the paper.

Q. At



Q. At what time was it proposed, it should be done, was it to be done at night or day, or when, or how soon?

A. There was no day mentioned.

Q. Pray was it mentioned in the plan who was to have the direction of these people, who were to get the better of the military in this way?

A. No, I don't remember.

Q. Was it mentioned there were to be leaders appointed?

A. Upon my word I cannot remember that.

Q. You don't remember whether it was mentioned to be executed in the day time or night?

A. I cannot say as to that, but I rather suppose it was to be in the night time.

Q. You mentioned they were to take possession of the banks?

A. The different banks.

Q. Was there any thing mentioned of having commissioners to take an account of the cash?

A. Yes, to demand the cash; I think it was sufficiently mentioned in the papers to demand the cash.

Q. After they had got possession in this way, what were they to do next?

A. I cannot say any thing farther. I cannot remember any more particulars in that paper.

Q. After the plan was read over, what became of it? did Watt deliver it to any body or put it back?

A. If I recollect right he put it into a press.

Q. Did you ever see that written plan again, after the time you mentioned?

A. No, never after.

Q. Did you see any writing that had any connection with it afterwards?

A. No.

Q. Did Watt ever shew you a copy of an address, after all things were seized in that way, or a proclamation?

A. No, he did not, but he read a paper of that kind.

Q. When was that ?

A. It was a Committee night.

Q. You cannot be sure any body was there but Downie ?

A. I think Downie was there.

Q. Where was this meeting ?

A. It was a Committee night in Mr Watt's own house.

Q. You are not sure whether Mr Watt shewed you the paper, or only read it ?

A. I am sure I heard it read.

Q. Will you tell us what was the substance of the paper ?

A. As far as I can remember the substance run thus : it was a copy of a proclamation to all farmers and dealers in corn, meal and hay, not to remove the same from their habitation under the pain of death ; and also for all gentlemen residing in the country not to leave their habitation above three miles under pain of death.

Q. And when was it to be done ?

A. According as I remember, it was to be done immediately after the attack.

Q. Do you remember in whose name this proclamation run ? by what authority or what person was to sign it ?

A. No, I heard of no person that was to sign it.

Q. Now, at the time when this plan was the subject of conversation, or read in the Committee, was any thing said about arming the Committee ?

A. No.

Q. Was any thing said about addressing the King ?

A. Yes, there was upon the other side. I cannot be positive.

Q. What was the nature of the address to the King ?

A. The nature of the address to the King was thus : to dismiss his Ministers, to put an end to the present war, or to meet bad consequences, or expect bad consequences.

JURY. The witness says he heard nothing about arming, we have not heard how they were to attack the soldiers.

Q. Was there any question made about the arms to be used ?

A.

A. No.

Q. At any other time had you conversation with Watt about procuring arms, or did he take any means ?

A. I never knew that he did, or that it was in conversation till he asked me to go to Robert Orrock, a smith in the Dean.

Q. What was the purpose ?

A. He did not mention the purpose to me, I went with him, as he asked me the favour to go with him.

Q. What conversation had he with him ?

A. He wished him to make some pikes, and Robert Orrock drew a model of a pike upon the table ; and Mr Watt asked him to work as fast as he could, for he had 4000 to send to Perth, besides what he wanted to distribute about Edinburgh, and ordered Orrock to be busy, and as fast as he brought them in he should have the money

Q. What did he say ?

A. He said he had 4000 to send to Perth, besides what he had to distribute about Edinburgh.

Q. Was it Orrock that drew the drawing of the pike or Watt ?

A. It was Orrock.

Q. Was you ever back at Orrock's house again except that time ?

A. No.

Q. Do you know any thing of Orrock making the pikes ?

A. I heard him get the Order, I never saw him working at one of them, only one day I was going up to the Dean, and we had some other business with him, a man and we were standing at the door of the *smithy*, I saw a man working at a thing similar to this, and Lord Swinton's servant asked the lad what it was, what was the use of it, and he told him it was to put on a gate.

Q. Did you ever see any of them upon any other occasion than this ?

A. No.



Q. Did you ever see any of them in Watt's possession?

A. Yes.

Q. Are you acquainted with John Fairley?

A. No, I am not acquainted with him.

Q. Did you ever see him?

A. Yes.

Q. A wright?

A. Yes.

Q. Did you ever see him in your Committee of Ways and Means?

A. Yes.

Q. What did you understand to be the business?

A. What I understood was he had been sent to the west country—before I saw him, I understood that he had been sent to the west, but what his orders were to the west I do not know.

Q. Had you any reason to know it?

A. Not till I heard himself.

Q. That was upon his return?

A. Yes.

*Mr Anstruther.* Q. Was Watt present?

A. Yes.

Q. When he (Fairley) returned from the west, and made his report to the Committee of Ways and Means, what did he say?

A. I can give you but a very small detail—he said he had been to visit a vast number of places, Mr Watt took a note of them down upon paper, I think of the places; there was Queens-ferry, Falkirk, Kilsyth, Stirling, St Ninians, Kirkintulloch, Campsie, Glasgow, Paisley.

Q. Was there any thing particular mentioned with respect to Paisley or the others?

A. He said that Paisley was in a state of great readiness.

Q. Did he mention any thing about any other place?

A. No.

Q. What did you understand by their being in readiness?

A. I cannot tell what his orders were, I did not know what they were.

*Mr*

*Mr Anstruther.* Q. Did you ever hear any other conversation about arming ?

A. No. I don't remember any.

Q. You disapproved of it ?

A. Yes, I did. I said when that paper was first read, I by no means agreed to anything tending to disturb the peace, or tending to shed the blood of my countrymen.

JURY. Q. Did you think something of that nature was proposed ?

A. The paper that he had read in my presence led me to think so, in my weak opinion.

*Mr Anstruther.* Q. What business was it the Committee of Ways and Means met upon the night Mr Watt proposed this plan ?

A. They met upon no other business—when first that Sub-Committee was appointed they were to meet every Tuesday night.

Q. Did not they do something that night, that he read that paper ?

A. O aye.

Q. Did he not write some letter ?

A. I do'nt recollect it.

Q. Do you remember seeing any printed letter signed by Hardy in the Committee ?

A. No.

Q. Then you do'nt know the answer to it ? did you ever see a printed letter in the Committee of Ways and Means ?

A. Yes I saw it in the Committee, I heard it read in the Committee of Ways and Means.

Q. Was Mr Watt present ?

A. He was present when the answer was wrote.

Q. Who wrote it ?

A. He wrote it perfectly himself, and after he wrote it, he said he would read it over again, and he would correct it, and I never saw it more ; I have never seen it since—I think it is very similar to what I saw before.

Q. Have you heard of any set of people called collectors ?

A. I

A. I do'nt know what they were to do, I cannot give any positive answer.

Q. Where did you hear it ?

A. It was in the Committee of Union.

*Lord Advocate.* Q. Was Watt present when you heard those persons called collectors mentioned ?

A. I cannot say.

Q. Do you know of any money that was collected by the Committee of Ways and Means ?

A. Yes, the society of the Water of Leith gave me 15s. to pay into the Committee, for they were of opinion with me, as I said before, it was to go for the benefit of Mrs Skirving under the direction of that Committee, I recollect none but that and a bill of 15l. they received from Perth.

Q. For what purpose was that money ?

A. I suppose this Committee were to look into the circumstances of Mrs Skirving, and give her the money as they thought prudent.

Q. Did you ever see a printed paper called Fundamental Principles ?

A. Yes.

Q. Was that the principles of your Committee ?

A. The Committee, I never saw them take it up.

Q. Was it produced in the Committee ?

A. Yes.

Q. By whom ?

A. It was produced by Mr Watt.

Q. It was produced by Mr Watt in the Committee, you then being present ?

A. Yes.

Q. Now is that the paper ?

A. That is the very paper I have seen there produced by Mr Watt.

(Here he was shewn the papers entitled Fundamental Principles.)

MR BON-



MR BONTHORNE *Sworn.*

*Mr Anstruther.* Q. What are you?

A. A teacher.

Q. Now take your own time—I believe you was a member of some Committee of the Friends of the People in the beginning of this year?

A. I was.

Q. I believe you thought it right to come to a resolution to withdraw yourself from that Committee?

A. Yes.

Q. About what time was it you formed that resolution to withdraw yourself?

A. Perhaps about (I cannot positively say, but perhaps about) the 17th of April.

Q. I don't want you to be particular as to a day—was Mr Watt a member of that Committee?

A. Which Committee?

Q. That Committee you determined to withdraw yourself from?

A. He was.

Q. What was the name of that Committee?

A. The Sub-Committee.

Q. Had it any other name?

A. Not that I know of, I understood it had another name, but I did not hear it.

Q. What was the other name?

A. I have heard it since I was in confinement, it was called the Committee of Ways and Means.

Q. Have you ever heard of a Committee of Union?

A. Yes.

Q. Who chose the Sub-Committee?

A. The Committee of Union.

Q. Who were the members of that Sub-Committee?

A. Mr Aitchison, Mr Stock, Mr Burke or Burt, I am not certain which, Mr Robert Watt, I think, Mr David Downie, Arthur McEwan.

LORD

LORD JUSTICE-CLERK. Is that the Robert Watt?

A. (The witness looking at him) Yes, and myself.

Q. Now, Mr Bonthorne, had any thing passed in that Committee that induced you to come to a resolution to withdraw yourself from it?

A. I thought so, my Lord.

Q. Now, what was it that passed in that Committee?

A. There were different things that passed in that Committee, that I could not presently say.

Q. Did you ever hear Mr Watt, in that Committee, propose any plan?

A. No, I never heard him propose any plan.

Q. Did you ever hear him read any plan?

A. I have heard him read a paper, my Lord.

Q. Now, what was that paper?

A. I cannot say what that paper was, it is a considerable time since.

LORD PRESIDENT. Recollect the substance of it as well as you can.

A. My Lord, if you will please to ask me a question about it, I will answer,

Mr *Anstruther*. Q. I rather wish you to recollect your yourself?

A. I thought my oath required me to answer questions.

Q. How much do you remember of the purport of that paper?

A. I remember very little more about it, because upon the hearing of it, I was in such confusion, it has cut off my recollection.

Q. What was the purport of that paper?

A. I know nothing what the purport was.

Q. What was it, as near as you can recollect?

A. I can say very little about it.

*Lord Advocate*. You are under an oath to God to tell the truth, and nothing but the truth, if you conceal the truth you are criminal.

LORD

LORD PRESIDENT. Did that paper say any thing about the Friends of the People rising upon any occasion, and to do what?

A. No, if I recollect, it rather went upon a supposition that such a thing could be done.

Q. What was it that could be done?

A. My Lord, I looked upon the whole as if it had been a kind of phrenzy, or something of that kind, and it struck me with such confusion.

LORD PRESIDENT. You are bound to tell whatever it was.

A. Yes, as soon as I can recollect it.

Q. Was there any thing about seizing the Castle in it?

A. If I mistake not, my Lord, there was.

Q. Surely you can tell whether there was or not?

A. I think there was.

Q. What was it?

A. Nothing at all that I recollect.

LORD PRESIDENT. It is my duty to tell you, Sir, that you are in very great danger. Every body must be sensible that you heard something, and can tell something, and you are bound to tell it. I must put you upon your guard. The Court will take it up. Did that paper contain any thing, or did it not, about seizing the Castle?

A. I think so, my Lord.

Q. What did it say upon that subject?

A. I cannot recollect, my Lord, particularly what it said, I just looked upon it as a supposition, that it could be done.

Q. By whom?

A. By a number, if they could be collected; it was upon a supposition that a number could be collected for the purpose.

Q. A number of whom?

A. A number of persons.

Q. Did you suppose this meant *the Friends of the People*?

A. I suppose so, my Lord.

X

Q. Did



Q Did it say any thing about seizing, surrounding, or attacking the soldiers in the Castle.

A. I do not recollect any thing of that kind.

Q. Did it say any thing about lighting a fire; or doing any thing in order to draw the soldiers out of the Castle?

A. I am not certain whether there was not some expression about the Register Office.

Q. About what?

A. About raising an alarm by fire at the Register Office.

Q. For what purpose?

A. I suppose it was to bring the soldiers from the Castle.

Q. And in case they should be brought from the Castle, what do you suppose was then to happen?

A. I suppose to take possession of the Castle.

Q. Did you suppose any attack would be made upon the soldiers themselves, or any attempt to take possession of them.

A. I don't remember any thing of that.

Q. Was there any thing said about the Lord Provost or the Judges, or any body in power?

A. I recollect no persons.

Q. Was there any description of persons, such as Judges and Magistrates?

A. I don't recollect any thing of it.

Q. Was there any thing said about Banks?

A. Yes, perhaps, my Lord, the word Bank or Banks was in it.

Q. What expression was in it?

A. I think about seizing the Bank or Banks.

Q. Was there any thing about seizing the Excise Office?

A. I am not certain but there was.

Mr *Anstruther*. Was there any thing about possessing themselves of places of trust?

A. I am not positive of it.

Q. What was the general design of the plan or paper?

A. I cannot say, my Lord.

Q. What was it that frightened you so much.

A. The

A. The appearance of it in general.

Q. The appearance of what?

A. Of a paper read.

Q. What sort of a paper?

A. A paper that has been just now quoted.

*Lord Advocate.* That was the thing frightened him so much, and induced him to leave the Committee.

*Mr Anstruther.* What were the contents of that paper?

A. I have endeavoured to answer the different questions.

Q. Was the purport of that paper to seize the Castle?

A. That I believe, I said.

Q. Was it to seize the people of note or name about Edinburgh? Was it to seize any body?

A. Not one, that I recollect.

Q. What were they to do?

A. Indeed I know not, it struck me with such a confusion, it put me from my recollection altogether.

Q. Was any thing said about the Guard-house, or about the Baillies or Magistrates?

A. No.

Q. Any thing about Officers?

A. No.

Q. Any mention of Lord Justice-Clerk?

A. No, not that I recollect, I believe the whole of it went upon a supposition, if such a number were or could be collected.

Q. What were they to do?

A. Those things formerly mentioned.

Q. Do I understand you right, that the plan was, that if a certain number could be collected, they were to seize those places that have been mentioned?

A. I understood so.

Q. Do you recollect any thing of what the numbers were?

A. No, I don't recollect any number.

Q. Do you know whether they were large or small numbers?

A. I do not recollect the numbers.

Q Were they large numbers or small numbers ?

A. I cannot give the numbers.

Q Did this plan alarm you, or did it not ?

A. It alarmed me.

Q Now, tell me, what was it that alarmed you in that plan ?

A. The whole of it, as far as I understood or heard.

Q What did you do upon reading that plan ?

A. As far as I recollect, there was a person that shewed an opposition to it.

Q Who was that ?

A. Arthur M'Ewan shewed an opposition to it.

Q You agreed with Arthur M'Ewan ?

A. I repeated the words, " No, no." I think so.

Q Then, the plan you said " no, no" to, was the same plan that Arthur M'Ewan dissented from ?

A. It was the same paper.

Q What was the business of the Committee of Ways and Means ?

A. The Sub-committee you mean ?

Q Yes.

A. As far as ever I understood, it was just to transact the business of the Friends of the People.

Q Was it to collect money, or was it not ?

A. No, my Lord, I did not understand it was to collect money.

Q Do you know any thing that was written or read in that Committee, of a paper that was afterwards printed ?

A. Name it, if you please.

Q Called a circular letter ?

A. I could not say unless I saw it.

*(The circular letter from the Committee of Ways and Means shewn him.)*

A. Yes, my Lord.

Q You have seen that paper ?

A. Yes, my Lord.

Q Where



Q. Where did you see it ?

A. I think I have seen it in manuscript ?

Q. Where did you see it in manuscript ?

A. Perhaps in the Gazetteer office.

Q. Did you ever see it at a meeting of the Committee ?

A. It is the Committee I mean.

Q. Whose office did you see it in ?

A. I don't know I ever had it in my hand, I was present when it was read.

Q. Who wrote it ?

A. I think it was Mr Stock.

Q. I ask if the place where the Committee met, was in the Gazetteer office ?

A. Yes, it was.

Q. It was not there that the other paper was read ?

A. What do you allude to ?

Q. The paper that frightened you so much ?

A. It was not there, it was in Mr Watt's house.

LORD PRESIDENT. What did Watt do with it, after he had read it, and you said no, no,—what did Watt say ?

A. If I remember right, he rose from his chair, and put it into a press.

Q. Did you and M'Ewan come away upon that ?

A. We did not till we parted.

Q. What did you do when you went home ?

Lord Advocate. Q. You say you was very much alarmed and confounded at the import of the paper Watt read. You said before you was so confused when you heard the paper read, it took away almost all your recollection ?

A. Yes.

Q. I ask you this question ; in consequence of this alarm, did you take any step immediately for satisfying the public, you was no longer an assistant to those persons ?

A. No, I took no step, but soon after left the meeting altogether.

Q. Did you advertise in the public newspapers that you had so done ?

A.

A. I did not.

Q. Did you take any steps towards doing so?

A. Yes, my Lord.

Q. State to the Jury what step it was you took or intended to take towards that purpose?

A. The alarm this paper gave me, caused me to resolve in my own mind, to quit the meeting altogether; and I resolved a few days after to make such an advertisement; but after I had done so, an acquaintance of mine called upon me and told me he was going a jaunt to the west country, and made some application to me, and I wrote a line or two to him to call upon Mr Watt to advance him a few Shillings. He was an intimate acquaintance of mine, and he thought he might be short of money upon some business he was going about, which he did not make known to me, and from the interest I had with him, I wrote a line or two after I had withdrawn myself from the meeting altogether, to Mr Watt to advance him a few shillings, for which he would account on his return.

Q. How did that prevent you from taking the step you have just now stated? Why should writing to Watt to get Watt to advance you a few shillings for a friend of yours who was going to the west, prevent you doing that?

A. I had taken a farewell of all the Committees.

Q. Did you compose any advertisement for the purpose I have just now stated to you?

A. Yes, my Lord, that same week I did.

Q. Was there any particular newspaper in which you proposed to insert that, was it the Edinburgh Advertiser?

A. It was the Edinburgh Advertiser.

Q. You did not insert it in that, because you afterwards wrote to Watt to advance a sum of money to a friend of yours going to the west country?

A. Yes.

Q. Who was that friend?

A. An intimate acquaintance—John Fairley was his name.

Q. A

Q. A journey to the west?

A. He told me he was going to Falkirk to see a sister of his own; and he added, he proposed going a little farther.

Q. And did he say besides a visit to his sister, he had any other business?

A. No, he did not; he told me he had a commission from Watt, but what that commission was he did not state.

Q. Did he make any application to you for money to make this journey?

A. From the intimacy between him and I, I would have lent it him, but it was not in my power, for that reason I wrote to Watt.

Q. Did you give those reasons to Fairley?

A. I did.

Q. Did Fairley leave you to go to Watt?

A. Yes.

Q. Did you see Fairley after he performed the journey?

A. I did not!

Q. I thought you said before he went away you did?

A. Yes.

Q. But after he came back, did you or not meet with Fairley?

A. Yes.

Q. Did Fairley communicate to you the names of the places where he had been in the course of that journey?

A. He did not.

A. Did he mention the names of the persons he met in the course of that journey?

A. No, he did not.

Q. Did he state that Watt had complied with the request for money or not?

A. He did not.

Q. You did not ask him?

A. I did not ask him.

Q. Would you know the advertisement again you prepared after hearing that alarming paper read, and before you



you wrote that note of introduction to Fairley, if you saw it again ?

A. I certainly should.

Q. Is that the very paper ? (shewing him a paper)

A. Yes, my Lord.

Q. Your own hand writing ?

A. Yes.

That paper was read as follows :

*Broughton, April 21.*

“ TO THE PUBLIC,

“ I William Bonthron, teacher in Broughton, was chosen  
“ a member of the Committee of Union in March last, and  
“ Sub-Committee ; but for reasons of weight with me, de-  
“ clare that I have dropped all connection or communica-  
“ tion with the said Committees,

“ WILLIAM BONTHRON.”

Q. Is that the paper you prepared for insertion ?

A. Yes.

Q. Was there any particular reason why you applied to Watt to advance a sum of money to Fairley for this journey, in preference to any other person ?

A. It was purely out of friendship to Fairley.

Q. I ask you why you selected Watt to be the person to lend money to Fairley rather than any other person ?

A. Because he told me he was going to Watt, or was going to receive a commission from Mr Watt.

Q. Did you ever hear of a man of the name of Hardy ?

A. Yes.

Q. In what place have you heard of that person's name ?

A. I cannot fix upon a particular place.

Q. Did you ever hear of that man Hardy in the Committee of Union or the Sub-Committee ?

A. Yes, I think so.

Q. Upon what occasion was it you heard the name of that person mentioned ?

A.

A. I think it was upon the letter that he should have sent if I mistake not that I heard his name mentioned.

Q. It was in the Committee that you heard his name mentioned, and it was upon the occasion of a letter that Hardy had sent—It was in the Union Committee or Sub-Committee?

A. Either one or the other.

Q. Was that a written or a printed letter? as far as you recollect?

A. I do not positively recollect.

Q. Do you recollect whether it was written or printed?

A. I think it was a printed paper.

Q. Do you recollect if this Hardy signed himself in any particular character?

A. I do not know in regard to his subscription, but I recollect the character he went under was secretary to some Committee in London.

Q. Would you know that paper again if you saw it? take time and look at it.

A. I think it was like this letter.

Q. But an answer was agreed upon to that letter in the Committee?

A. I think so.

Q. Do you remember what particular members of the Committee were present when the answer was drawn up to this letter of Hardy's?

A. I think, all the seven excepting two.

Q. Who were the two, that were absent?

A. Aitchison and Burke.

Q. Do you recollect what the import of that letter was—what it related to?

A. The answer do you mean?

Q. Either the letter or answer.

A. The letter was shewn me.

Q. What was the answer?

A. I don't recollect one sentence of the answer, but only that an answer was given to it.

Y

Q. Did

Q. Did this answer or did it not relate to your choosing delegates to attend a British Convention to be called in England?

A. I remember hearing of such a thing but whether that letter contained such a thing I cannot be positive, but I remember perfectly such a thing was spoken of.

Q. Who drew the answer to the letter?

A. I think if I recollect well it was Mr Stock.

Q. Do you recollect in what manner this answer was to be forwarded to Hardy?

A. Yes.

Q. How was it?

A. If I recollect Mr Stock was to take it to London himself.

Q. You say Mr Stock was to take it to London himself?

A. I think so.

Q. Do you know whether Stock is gone to London, or that he went soon after this?

A. He meant then to go a few days after by sea.

Q. Did you ever in the Committee hear of any paper being composed relative to the Fencible Regiments?

A. I think so.

Q. Who composed that paper?

A. I think Mr Stock.

Q. Was Watt present?

A. Yes, Mr Watt was present as far as my recollection ends me.

Q. Look at that paper and see if that paper be like the paper, that was composed in your hearing?

*(The witness, looking at the paper said,)*

A. Yes, perhaps, with some variations or alterations. I only saw it in manuscript.

Q. Upon the whole that is similar, there may be some variation from the paper Stock produced, and you saw in the Committee?

A. Yes.

Q. Look



Q. Look at that, and see if ever you saw it before, is that your hand-writing, Mr Bonthorne?

A. Yes, it is.

Lord Advocate. What paper is that?

A. That is a paper, my Lord, that was a minute wrote in the Committee of Union, I did not write it in the Committee of Union, I only took a copy of it, I was sent for and I took a copy of it. You will see who the original was wrote by, by that.

Q. Who composed that paper?

A. It is mentioned, Robertson, I think, is his name.

(That paper read as follows:)

Edinburgh, 5th March 1794.

“ The General Committee having met, Citizen Stock  
“ appointed Praeses, and Citizen Robertson, Secretary.  
“ The business commenced by forming a plan of organiza-  
“ tion of the Friends of the People in Edinburgh, Citizen  
“ Watt proposed to recommend to the different Societies to  
“ chuse a Permanent Committee to sit once a-week, and  
“ that there should be a Committee of seven to be empow-  
“ ered to transact the business of the Friends of the People.  
“ This Committee to report to the different Societies, and  
“ that this Committee recommend to their different Socie-  
“ ties to chuse two or three members for this Committee,  
“ to meet on Tuesday next at seven o'clock, and that they  
“ should chuse the Sub-committee to sit the same evening,  
“ and report to the General Committee.”

Q. That was dated Edinburgh, 5th March?

A. It was just about the beginning of March the Committee of Union met.

*Cross-Examination by Mr Erskine.*

Q. At the time you left the Committee, did you not take a new school? I wish to know whether you was not forming

a new Connection in another part of the town when you left the Committee of Ways and Means.

A. Yes, I was going to remove at hit Sunday.

Q. Did you give that as a reason for removing from the Committee?

A. Yes, I did, perhaps, it was the only reason that I gave.

Mr Hamilton. Q. You mentioned in a former part of your examination, that Mr Watt produced a plan with regard to some measures that he thought might be adopted?

A. He took such a paper from his pocket and read it over, I know nothing more about it, than that he just read it. Whether it was a copy or not, I can't say, he just read it, without any comment upon it.

Q. How long had you been together that evening?

A. I cannot ascertain it, perhaps, a few minutes, I could not ascertain it, it might be half an hour or an hour.

Mr Erskine. Did Watt propose it and press it upon upon the Committee, as a plan to be put in immediate execution?

A. No, he just read it and put it up in the press without any comment upon it, as far as I recollect.

Q. Did you drink tea with him that night, or sup with Watt?

A. No, I did not, as I remember. Did you say sup?

Q. Yes.

A. Perhaps I did take a cup for supper, or something of that sort.

#### MR SHERIFF CLERK, Sworn.

Mr Anstruther. Q. Did you make any search amongst Watt's papers?

A. Yes, I searched Watt's house for papers, and carried away such papers as I thought related to the proceedings of the Friends of the People.

Q. Did you find that paper there? (Shewing a paper to him.)

A. Yes,

A. Yes, I remember that paper was found there, and was marked in my presence with the initials of the persons present in Watt's house, before we left it.

Q. Was this other there? (Shewing another paper.)

A. Yes I remember this particularly.

Q. Do you remember that? (Shewing a third paper.)

A. Yes, I remember this perfectly likewise. These papers were found in Watt's house.

Mr *Anstruther*. There were three of them? The importance of one must appear from inspection and not from reading. It is a drawing of pikes, and was found in Watt's house.

Mr *Clerk*. A. There were papers found in three rooms.

Mr *Anstruther*. This is another paper found in Watt's possession. It is the paper that Aitchison mentioned he had written by direction of the Sub-Committee, and sent to a person he did not mention.

Lord *Advocate*. And the Sheriff swears he found that paper in Watt's house.

(The paper read as follows:)

" SIR,

" Last night, at a meeting of the General Committee of  
 " the Friends of the People in Edinburgh, a motion was  
 " presented by Citizen William Robinson, in consequence  
 " of a representation from Citizen Dr Hunter, that you  
 " wished to be informed of the state of public spirits in this  
 " city, and that you likewise desired to have some subscrip-  
 " tion papers forwarded to you, whereupon it was resolved  
 " that the Sub-committee should be authorized to write  
 " you; and, while they transmit to you the subscription papers,  
 " requested to inform you at the same time that the spirit  
 " of freedom, notwithstanding all the unconstitutional mea-  
 " sures lately adopted, is by no means depressed, but like a  
 " fire attempted to be smothered, increases ten fold, and  
 " will, ere long, consume all those who attempt to extinguish  
 " it. There are many things which we might wish to write,  
 " which



" which perhaps, in the present crisis, it would be imprudent to commit to paper; we shall therefore conclude, with wishing an encrease to the numbers of the real Friends of Freedom all over the Globe, and of the Friends of Constitutional Reform in this island in particular.

" When you, or any of the worthy members of your Association have business this way, we shall be happy to see you. Societies of the Friends of the People, meet every night except Saturday and Sunday, either at C Robertson's school, Philip's school, Calton, or C Geo. Ross's, Liberty Court, South Bridge.

" In name of the Edinburgh Committee of the Friends of the People, I am, &c.

" P. S. Either on Saturday, or at farthest on Tuesday next, you may expect the first number of the New Gazetteer, which will then begin to be published in the spirit of the old. Lest the proprietors should fall short of funds to pay the stamp duties, it is proposed that every subscriber should pay per advance. Subscriptions by C Geo. Ross, Gazetteer Office, South Bridge, who will grant receipts for the money."

" Sub-Committee, April 1st.

" Resolved, That Mr Reid, the former treasurer, be requested to continue in his office, subject to the restrictions to be hereafter laid down.

" Resolved, That till his determination be known, be requested to take charge of the monies which may be received by the Committee this evening.

#### " MINUTES.

" Report of the Committee of Correspondence given in."

" From the Canongate Society, No 3, received the sum of one pound, ten shillings and three pence half penny, which is hereby placed to their credit.

DAVID DOWNIE."

" Regulations

" *Regulations of the Sub-Committee, with respect to the Treas-  
" surer.*"

" April 1. 1794.

" All monies that shall be paid into the treasurer's hands,  
" from this day, shall be applied to such purposes only, as  
" the Committee of Ways and Means, for the time being,  
" shall direct.

" The treasurer shall give a receipt to the said Commit-  
" tee, for what monies he may have received from them.

" The treasurer shall not give up any part of the said  
" monies, on any pretext, except on a requisition, signed by  
" four members of the Sub-Committee, and specifying the  
" sum wanted."

*Mr Anstruther.*—Part is in Aitchison's hand, and part by  
somebody else, we don't know.—It was found in Watt's  
possession.

JOHN FAIRLEY Sworn,

*Examined by Mr SOLICITOR GENERAL.*

Q. What is your business?

A. A wright.

Q. Where do you live?

A. In Broughton.

Q. Is there a society of Friends of the People there?

A. Yes.

Q. Was you a member of the British Convention that  
met last year?

A. Yes.

Q. Was you a member of that Convention, when it was  
dispersed by the Lord Provost, and other Magistrates of this  
city?

A. Yes.

Q. Did the members of the Convention meet after that?

A. Yes.

Q. Can you tell when it was?

A. I

A. I think it was in the month of December.

Q. And you say your society continued still to meet after that Convention was dispersed?

A. Yes.

Q. Was you chosen in any office after the dispersion of the convention? was you made collector?

A. Yes, I was.

Q. Explain what was the meaning of this office of collector—what was you to do?

A. When I came into the Broughton society (I never heard of the collectors before) they were just choosing; they had chosen one and beginning to choose another, and they chose me. I asked the business, Mr Bonthrone came forward and told me they were to collect money and to collect sentiments.

Q. By sentiments do you mean *sense* of the people?

A. What I understood by it was, that there were a great many of the societies who were as warmly attached to the cause as ever, but on account of business, could not give attendance regularly, but at the same time were so attached as to contribute money for the expences; that was the reason of having collectors; and for the collection of sentiments. Bonthrone said, we want to know who will be for procuring Universal Suffrage and Annual parliaments; there were two collectors for our society.

Q. Did the other societies appoint collectors also?

A. I understand so, but I could not attend any other societies but my own; there was one or two meetings held.

Q. Who was chosen preses of the meeting of collectors? was you?

A. Yes.

Q. Was you chosen president of the Committee of Union?

A. No, I was not.

Q. Do you know that there was a Committee of Union, and of Ways and Means that met at George Ross's?

A. Yes, there were Committees that went by that designation, but I was not at the founding of them.

Q.



Q. Had you any occasion to do business with the Committee of Ways and Means?

A. I was twice at the Committee of Ways and Means.

Q. Among other persons, was Watt present when you attended there?

A. Yes, I think he was there.

Q. Pray, Mr Fairley, had you any occasion to have any conversation amongst yourselves about the Friends of the People arming themselves, soon after you was appointed collector, or about that time?

A. Had we conversation about arming?

Q. Yes, about arming the Friends of the People?

A. I never heard any thing about arming the Friends of the People. I heard there were some pikes getting ready.

Q. Was you well acquainted with Watt, and when did you first become acquainted with him?

A. It was not very long before I was apprehended, that I became acquainted with him.

Q. Did Watt call upon you respecting these pikes?

A. Yes, Mr Watt called upon me.

Q. Did Mr Watt mention to you any thing about a number of pikes having been provided, and what number?

A. I could not say that he mentioned any thing about the number—I don't recollect Watt specifying any particular number of pikes.

Q. Did he mention that any had been preparing? What I ask you again is just to mention what conversation passed between you and Watt relative to the pikes—Did he tell you there were pikes preparing for the use of the Friends of the People?

A. He shewed me some pikes first.

Q. Had he ever mentioned the subject to you before?

A. Yes, we had spoke about this subject before.

Q. Did Watt come to your shop and make a drawing of a pike in your presence?

A. Mr Bonthron had been talking about it. I don't know whether I drew a plan of the pike according to the descrip-

tion I had from Sheffield—Bonthorne said I might draw one and he would take it—I met with Mr Watt in the street one day and I was telling him I had been mentioning to Mr Bonthorne my drawing some—I cannot say what answer he gave me ; but sometime after he came to my shop and desired me to draw one—I scratched one upon a slate—I told him I would draw two or three, upon a piece of paper and bring it up to Mr Watt.

Q. Did you accordingly do so—look at these drawings and see if you know them—Are those the drawings you made for Watt ?

A. I think they are.

Q. These are the designs found in Watt's possession—Now, Mr Fairley, at the time when you carried this paper to Watt containing the drawings of these instruments, what conversation had you with him upon the subject of pikes and arms, and in what manner were they to be used ? tell all you know to these gentlemen.

A. I cannot remember every particular conversation we had about pikes.

Q. Did he mention to you what use was to be made of them, by putting them into the hands of the people ?

A. He said they were intended for self defence.

Q. And did he tell you they were intended to be put into the hands of the Friends of the People ?

A. Mr Watt said to me there was no person to get them but such as wanted them and would pay for them.

Q. Did you express any fear of bloodshed upon this occasion ? did you say any thing to Mr Watt about what was said ? did not you say you were afraid of bloodshed ?

A. He said they were intended for self defence.

Q. Did you say any thing at all about bloodshed, and what answer did Watt make upon the occasion ? did you say any thing about your fear of bloodshed when you heard of these weapons being mentioned ?

A. Watt and I were once talking together about different things—I could not say the particular words, but I will

will tell you the meaning—I was expressing my fears that the present measures of Government would drive the people to despair, and I was afraid for the consequence—I could not say what the particular words were, it was something to that purpose.

Q. And what did Watt say?

A. He said, he hoped there would be no bloodshed.

Q. Did he say the plan could be executed without bloodshed?

A. I don't recollect the particular words now; it is the substance.—Nobody can remember words.—When I was expressing my fears for the consequences, he said they would be imprisoned.

Q. Who would be imprisoned?

A. I hope, I understood, that were most active against the Cause of the People.

Q. Who said something of your apprehension of bloodshed? repeat what you said just now about certain persons being seized.

A. All I recollect is, I was afraid the present measures of government would drive the people to despair, and I was expressing my fears for the consequences.

Q. What did Watt say?

A. He said he hoped no blood would be shed, for they would be imprisoned.

Q. Who were they that were to be imprisoned?

A. Those that were most active against the Cause of the People.

Q. Pray, Sir, did you say any thing at all about the soldiers being any obstacle to completing your plan; and what did Watt say about them?

A. I could not say; I might be saying something about the soldiers,—that if they had any fears about an extremity, I would not be for offering any violence to the soldiers,—I would just speak to them, and I hoped there would be no occasion for violence.

Q. What did Watt say?



A. I don't recollect what Watt said.

Q. Recollect as well as you can.

A. I cannot recollect the particular words.

Q. But the substance, as well as you can, about the dispute between you and the soldiers?

A. I think all that was said about the soldiers, was, that I said, I would be just for speaking to them, for they would be as glad of freedom as we would be.

Q. Was it after your enemies had been imprisoned, that this was to happen, you were to speak to the soldiers?

A. I had given my opinion to Mr Watt; I never heard it before; I gave it as my opinion.

Q. Was there a deputation to be sent to the Castle?

A. I just said, if measures came to an extremity, and that the soldiers were called out against us, and there would be reason to suspect they would, I would just send up somebody to speak to them, whether in or out of the Castle.

Q. To prevail upon them to do what?

A. To speak to them, so that they might not harm us.

LORD PRESIDENT.—I should be glad to know, when the witness said, that the soldiers would be as fond of freedom as they were, whether it was his meaning, that there was any body in this country not free?

A. My Lord, the cause in which we were engaged, was for procuring Universal Suffrage, and Annual Parliaments, and till that was obtained, I thought it was my right, as a subject of a free state, to have a share in the representation of my country; and I considered, if I had it not, I was not free.

Q. You mean then, that you were entitled to oppose those who were against Annual Parliaments and Universal Suffrage?

A. I did not say so.

Q. Did Mr Watt propose any thing violent with respect to the soldiers?

A. There were reports going, that the Friends of the People were to be attacked,—and different things.

Q. What

Q. What things?

A. There were reports going, that the Friends of the People were to be attacked,—and different things,—and we did not know in what manner,—and I just gave it as my opinion, if matters came to that extremity, we had reason to expect the soldiers would be called out;—if they were, I would be just for speaking to them.—I cannot say the exact words.

*Mr Solicitor General.* The prisoner I suppose means to ask a question, but he had better wait till our examination is over.

COURT. He must wait; you will be allowed to ask any question when the examination is over.

*Mr Solicitor General.* Q. Had you any conversation with Mr Watt about this plan of seizing those enemies of the people? Was there any proposition made for seizing them in different parts of Scotland at one time?

A. I don't recollect saying they were to be seized in different parts of Scotland at one time.

COURT. The Court does not hear you.

Q. You heard that question, give me the answer to it?

A. I have some idea of something being mentioned, tho' I cannot be quite sure of it. We entered into a sort of conversation. I cannot say exactly what I said, or what he said.

Q. Was there something said about Couriers?

A. Yes.

Q. After seizing upon these people, you were to send Couriers to all parts of the country about what had been done?

A. I think there was something of that kind mentioned.

Q. Was any thing mentioned about what the collectors were to do?

A. Mr Watt once said to me he would give me some of the arms to shew the collectors.

Q. These were pretty important conversations?

A. I

A. I mean to speak fairly. I cannot recollect what I said.

*Mr Anstruther.* We don't want the very words.

*Lord Advocate.* The substance and purport of what you said, to the best of your recollection, at the time when Watt proposed shewing the arms to the collectors?

A. We talked about it at different times; it was Mr Bonthron who first talked to me about shewing them to the collectors; and Mr Watt shewed me some, and my answer was, there was no harm in settling any thing by way of merchandize, and that expression he understood relative to the pikes.

Q. Did Mr Watt accordingly shew the collectors some of the instruments?

A. I could not say whether he shewed some to them or not.

Q. Did he shew them to you?

A. Yes.

Q. Where were they?

A. In his own house.

Q. What were they like?

A. They were not exactly like these.

(looking at some pikes on the table)

Q. Look at those pikes.

A. I cannot say whether they were them or not, they were made after that form.

Q. Did he desire you to carry them any where to shew any body?

A. It might be at that time, he said he would give them to me to shew the collectors.

Q. Did you ever carry any to Ross's?

A. No.

Q. Was you ever asked to carry any to Ross's?

A. I should imagine it would be at that time when they were given to me to shew the collectors. I understood I was to take them to the collectors.

Q. And what were the collectors to do?

A. I was only to shew them to the collectors, and the method I was told was—I was to shew them, and if any person



person asked, would I sell one of those, I would have done it, if no person asked, I was to bring them back ; if any collector said they wanted such an instrument, I was to give it him. I was to sell them ; if not, I was to bring them back to Mr Watt's.

Q. Did you accordingly do so ?

A. No, I did not.

Q. What was your reason for refusing to carry these articles of merchandize and allowing them to buy them if they chose ?

A. I made some objection.

Q. Then you must tell to the Court and Jury what that objection was—you cannot have forgot it.

A. I do not recollect what the objection was, but the fact of the matter was, I did not wish to take them.

Q. Why did you not wish to take them ?

A. I did not take them at that time.

Q. Did you take them at any other time ?

A. No, I did not.

Q. What was your objection ? I know you did not take them at that time, you say that you had an objection.

A. Because none of the Collectors had asked me, and I wanted to speak to the Collectors before I would think of doing it.

Q. Then did you ever speak to any one Collector upon the subject ?

A. I do not recollect.

Q. Then I put this question to you. Was the reason why you objected to carrying these pikes from Watt's house to the collectors, that you thought it unsafe and dangerous for you to do so ? Now, answer this question, was it, or was it not ?

A. I did not wish to take them.

Q. Was it for the reason you have heard mentioned ?

No answer.

*Lord Advocate.* You can say whether it was, or not the reason ?

A. I did not think myself of doing any harm with them,  
but

but I did not wish to take them to the Collectors, they would just have said that I had been bringing them for the purpose of distributing them.

LORD PRESIDENT. If the Collectors wished to have them, you were to sell them; was there any price specified?

A. I don't recollect any, I suppose it was whatever price they proposed.

Lord Advocate. Did Watt tell you the cost?

A. No, he did not.

Q. Is it a common trade for people to sell articles of that sort exactly at the price they cost?

No answer.

COURT. Had you no profit upon the trade?

A. I had an objection.

Q. What objection?

A. That although I thought no harm in it myself, if I took them, they would be saying I wished to impose on the Collectors before they asked me.

Q. Pray, was you ever sent to the west country by the Committee of Ways and Means?

A. Whether I was sent by the Committee of Ways and Means, I know not. I was going to the west country to see a friend of mine at Ayrth. The night before I set out, I had been in company with Mr Bonthron, who said, he had a letter or something of that kind to send to Borrowstounness. I told him I was going to the west, and would take any letter for him. The next morning I went to Mr Watt's, and told him I was going to the west country, and asked if he would give me a letter; he said he would. I said, whatever I had to take for him, he was to leave at Mr Campbell's the hatter at the Luckenbooths, and I would get it, in case he was not in at the time I went away. I went to Mr Campbell's the hatter, and got a parcel to be carried west.

Q. What did that parcel contain?

A. There were different copies of papers.

Q. Would you know them again, look at that paper, was that one of the papers in the parcel?

A. I

A. I think it was one of them.

Q. Was there any more than one copy?

A. I cannot lay the number.

Q. Might there be ten or twenty?

A. I can speak to upwards of ten, but I cannot speak to the number.

Q. Look at this other paper?

A. I think that was another paper.

Q. Had you more than one copy of this other paper?

A. Yes.

Q. Might there be ten copies of them?

A. Yes.

Mr *Anstruther*. Gentlemen, they are papers that have been proved by a variety of people, but have not yet been read.

Mr *Solicitor General*. Q. How was you to dispose of those papers?

A. He said—

Q. Who said?

A. I called upon Mr Watt before I went to Mr Campbell's, and asked if he had left it, he said yes, he had left something for me yonder, at Mr Campbell's, which I would know what to do with.

Q. What was it you was to do with them?

A. That was what Watt said to me, I knew what to do with them.

Q. What was you to do with them?

A. I will tell you what I did, I called upon different people in the west country.

Q. At what different places of the west country?

A. At Queensferry, Stirling, Saint Ninians, Kilsyth, Kirkintulloch, Campsie, Glasgow, Paisley, and Falkirk.

Q. What did you do at all those places?

A. I gave them a copy of each of these.

Q. You gave a copy of each of these, at each place you have named?

A. Yes.

A a

Q Had



Q. Had you any written instructions when you went to the west ?

A. In the same parcel there were two bits of paper.

Q. What were they ?

A. Instructions. It is so long since I don't remember particularly.

Q. But the substance ?

A. The substance was to correspond with Mr Downie, and to send money to him.

Q. Where were they found ?

A. In the packets he left at Campbell's.

Q. There you found written instructions ?

A. In the parcel.

Q. What did you do with the written instructions ?

A. I returned them to Watt.

Q. After your return from the West ?

A. Yes.

Q. When did you first open this packet ?

A. I opened it first at the Queensferry, and then found these instructions.

Q. Who was this Campbell ? was he a member of the British Convention ?

A. He was.

Q. Was there any thing mentioned about founding the sense of the people ?

A. Yes.

Q. Upon those plans you had been formerly talking with Mr Watt about, regarding a *Grand Plan* ; recollect yourself, the question is plain.

A. I could not say, he spoke about founding. I think there was something about a number of patriots, there was something about that.

Q. Now, in all the different places did you enquire for the patriots, to take an account of the number ?

A. I never asked about any number.

Lord Advocate. Now, Sir, you say Watt told you, you would find a parcel at Campbell's the hatter's, and you found

one.

one. Did Watt tell you any particular towns in the west, to which you were to go?

A. No, he did not.

Q. Did that paper, of instructions contain the names of any particular towns or places to which you were to go?

A. I don't recollect getting any names.

Q. Then it was perfectly left to you to go to any place you pleased in the west of Scotland?

A. I suppose it was left to my own discretion.

Q. Did any person recommend you to go to Borrowstounness?

A. I do not recollect any more about going to Borrowstounness than what I have said.

Q. Did you go to Borrowstounness?

A. I went first to Stirling, and came through Borrowstounness in coming back.

Q. You was in Queensferry? Did you show any of those papers in Queensferry?

A. No, I did not.

Q. Did you distribute any in Stirling?

A. I think I did.

Q. Did you or not? I will not take that answer.

A. I think I gave some in Stirling.

Q. You did not leave any in Queensferry?

A. Because I did not see any person there in particular.

Q. Had you any particular person that you was directed to at the Queensferry?

A. No, I had not. I had an acquaintance at Queensferry.

Q. Then you went to Stirling?

A. Yes.

Q. Did you or not give one or more of these papers to any person in Stirling.

A. Yes, I gave them to all the folks I called at.

Q. Now, Sir, do you, upon your oath, recollect the name of any single person in Stirling to whom you gave that paper?

A. There was a Dr Forrest, and there were two or three

more there, I gave one or two. I just gave them in the morning.

Q. In whose house was it you gave the papers to Dr Forrest and the others ?

A. It was in Dr Forrest's House.

Q. Pray had you ever seen him before ?

A. No.

Q. Then how came you to go to his house ?

A. I had heard him spoken about before in Edinburgh.

Q. I ask you—was it not in the Committee of Ways and Means Dr Forrest's name was mentioned ?

A. Dr Forrest's name was not mentioned to me there.

Q. Was it Mr Watt that mentioned the name of Dr Forrest to you ?

A. No, Sir.

Q. Do you say that upon your oath ?

A. Yes.

Q. Did you mention to him any thing with respect to the Committees that were established in Edinburgh ?

A. I suppose that letter would tell him.

Q. Did you do it yourself ?

A. I suppose I might tell him so.

Q. Did you ask of Forrest the number of Patriots in Stirling ?

A. I could not say whether I asked him the particular number or no—I asked him how the society was flourishing there or something of that nature.

Q. Did you ask him any thing else about the Society ?

A. I do not recollect asking him any thing more about it.

Q. Do you not recollect asking him any thing else ?

A. Other persons were present in Forrest's house at that time.

Q. Who were those persons—do you remember them ?

A. Doctor Forrest went with me and got them—I think there was one of them they called Thomson.

Q. How many were there of them ?

A. There were two or three besides that Mr Thomson.

Q. How



Q. How long might you remain in company with these persons ?

A. We might be there an hour or two.

Q. Did you understand these persons to be what they call Patriots or Friends of the People ?

A. Yes.

Q. What was the substance of your conversation in general ?

A. They would begin with the news of Stirling, and I was telling them the news of Edinburgh.

Q. Do you recollect in general any one circumstance relative to the Committees in Edinburgh which you stated to Forrest, and Thomson, and others ?

A. I have no doubt I would tell them about the Committees, but I spoke to Dr Forrest about the plan I have already told you.

Q. What was that ?

A. About imprisoning those that I have already spoke of.

Q. Well what did Forrest say ?

A. I am sure I do not recollect what he said.

Q. Did Forrest say any thing in reply ?

A. I do not recollect.

Q. You mentioned that plan to Forrest ?

QA. Yes, I mentioned it to him.

Q. Did you mention any thing in that company with respect to the plan of arming in Edinburgh, whether for self defence or any thing else ?

A. I may have told them that I heard the Friends of the People had offered their service to the Duke of Buccleugh or something of that sort—I might also have told them what was done in Perth.

Q. While talking to Dr Forrest or any one else, did you or did you not draw upon paper or upon the table in company with one of these men in Stirling a drawing of that pike or battle-axe similar to what you had seen in Edinburgh?—take care before you give the answer, it is very material you should take care.

A. I

A. I recollect it—I believe I did.

*Lord Advocate*—He now recollects in consequence of a specific question I put to him—he recollects making a drawing of those weapons which he had seen in Edinburgh to shew Dr Forrest.

Q. Where did you go to from Stirling ?

A. I went to St. Ninians.

Q. Who did you see there ?

A. A Mr M'Crofs.

Q. What is he ?

A. A minister.

Q. Did you shew him any of the papers or leave a copy with him ?

A. I read it to him and as far as I can recollect I left papers with all the gentlemen.

Q. Was M'Crofs a relief minister, or minister of the parish ?

A. A relief minister.

Q. Pray, was M'Crofs an acquaintance of your's before that period ?

A. No, he was not.

Q. Did you ever see him in your life before ?

A. No.

Q. How came you to go to M'Crofs ?

A. It was some of the folks of Stirling gave me a direction.

Q. You went to Kirkintulloch or Campsie or St. Ninians; pray, whom did you call on there ?

A. I called upon a Mr M'Ewan a minister, and Mr Wheeler a minister, a relief minister.

Q. Did you ever see them before ?

A. No.

Q. Who directed you to them ?

A. I think it was Mr M'Crofs—the man at St. Ninians.

Q. Where did you go next ?

A. I went to Campsie.

Q. To whom there ?

A. I

A. I do not know the names of any in Campsie, Mr McEwan went with me.

Q. What kind of people did you wish to be introduced to?

A. The Friends of the People.

Q. You went to Glasgow and Paisley at last?

A. Yes.

Q. Was that the utmost extent of your tour? you went no further west?

A. No.

Q. Had you any acquaintance in Paisley before?

A. No.

Q. And who did you go to there?

A. I called first at a Mr Hasty's there.

Q. Was he a Friend of the People?

A. Yes.

Q. Was he a member of the British Convention?

A. Yes.

Q. And you left papers with him?

A. Yes.

Q. Now, after you was at Paisley what did you do next, did you come home again?

A. Come home? I came to Glasgow.

Q. Why not to Edinburgh? why not straight home?

A. I came home by the Canal, but did not call on any body, and came home to Edinburgh.

Q. When you came back to Edinburgh where did you go first?

A. Straight home to my father's.

Q. How long did you remain at home?

A. Just a short time after resting.

Q. Where did you go then?

A. To the Committee of Ways and Means.

Q. Was it the usual night of the Committees meeting?

A. Yes.

Q. Did you find any of them assembled?

A. Yes.

Q. Who



Q. Who were they that were assembled?

A. Those that were there, were Mr McEwan, Mr Downie, and Mr Watt.

Q. You remember those three?

A. Yes.

Q. Now Sir, did you report to them the result of your journey?

A. Yes.

Q. Did you give any one of them the instructions you had found enclosed in the packet you received at Campbell's?

A. Not at that time, I gave them to Mr Watt some days after.

Q. Did you, after your journey was over, or on your way, or in the Committee, make up a list of the places and persons to whom you gave those papers, whom you had seen in the course of your embassy?

A. I took a list as I went along.

Q. What did you do with that list?

A. I gave the list to Mr Watt also.

Q. You talked of instructions you found in that packet, was there any other paper you found in that packet, different from the two copies you intended to distribute?

A. There was another paper, authorizing me to call at the societies.

Q. Did you shew that paper to the different societies you saw in the course of your progress, as your warrant?

A. I never was in the societies, but I shewed them to the persons I spoke with.

Q. Do you remember what the general purport and tenor of that commission was?

A. It was just desiring me to call at them.

Q. Do you recollect any thing else in it?

A. It just directed me to call at them, and tell what I did when I came back again.

Q. Was the purport of this commission, that they might pay credit to you, and receive you?

A. I suppose so.

Q. Was

Q. Was that commission signed by any person or persons?

A. I don't recollect it being signed by any person or persons.

Q. You don't recollect whether it was signed or not?

A. No.

Q. Do you recollect whether it was sealed or not?

A. There were seals at it.

Q. Were there no names opposite to those seals?

A. No. Not as I recollect.

Q. When you visited persons in the course of your journey, whom did you state your authority to come from?

A. I said it was from the Committee of Ways and Means, and it was sealed.—I understood it was something to that purpose.

Q. And the people you shewed it to, thought so too?

A. Yes.

Q. Whom did you give that commission to?

A. I gave it back to Mr Watt also.

Q. After your return?

A. Yes.

Q. Pray, Sir, did you defray the expence of this journey out of your own pocket, or out of what fund?

A. I received from Mr Downie, about 30 shillings.

Q. By whose order did you get that money?

A. Mr Bonthron gave me a line to Mr Watt, and Mr Watt gave me a line to Mr Downie, and Mr Downie gave me the money.

Q. Look at that paper, and refresh your memory.

A. That is the list I gave in to Mr Watt.

Mr Anstruther.—Is that your hand writing?

A. Yes. It is my hand writing.

Q. What is that a list of?

A. Some of the folks I did, and some of them I did not call at.

Q. Did you call at all of those places?

A. No. I did not call at any other of the places, than what I told you.

Q. For what purpose did you make out that list ?

A. I made it out that they might be corresponded with,

Q. Who were to correspond with them ?

A. The Committee.

Q. Now, this is your hand writing, is it ?

A. Yes.

Q. Now, read the two first lines ?

*Lord Advocate.* Begin at the top and read the three or four first lines legibly and audibly to the Jury.

A. "Stirling, support by money."

Q. Tell me what word that is that is next to money ?

A. It is a blank.

Q. What is the meaning of that blank ? there are three letters and a stroke between them, see what it is and make it out from them ?

A. I suppose it is "courage."

*Lord Advocate.* Read it on now.

*Witness.* "Stirling, support by money, courage not great."

*Mr Anstruther.* Gentlemen, there is S—g, which he hath filled up with the word, Stirling; then it goes on, support by money, at full length; then follows C—ge, which he tells you, means courage; then he tells you the line would run: "Stirling, support by money, courage not great."

Q. What do you mean by courage not great ? perhaps that paper may refresh your memory as to what passed with Forrest and the rest; tell me what is the next word, you say there is Stirling, support by money, courage not great; what comes next ?

LORD PRESIDENT. What paper is that ?

*Mr Solicitor General.* It is his own report, it means Stirling, support by money, but courage not great.

*Mr Anstruther.* Tell me what is the next word.

A. I suppose it means "support."

Q. Cannot you tell us ?

A. It is a blank.

Q. You



Q. You have filled up two blanks after a little difficulty, now fill up that.

A. That is "support," I suppose.

Q. And what are the words that are next?

A. "Not certain."

Q. There are two other little words?

A. "Support as yet not certain."

Q. Then the first beginning of this paper delivered back to Watt is, "Stirling, support by money, courage not great, "support as yet not certain." Now, tell me, why did you leave those three words blank?

A. I left them blank.

Q. Why did you leave them blank? was it, that it was not very safe to fill them up?

No answer.

*Lord Advocate.* Q. Give an answer to the question, tell us whether your reason was, that you thought it not safe or what? say one thing or the other.

A. I did not like to be writing that in the list.

*Mr Anstruther.* The jury will look at the names. You have said there were two papers in this bundle, one your commission, the other your instructions?

Q. Did you ever show those instructions to any body?

A. I shewed them to the different people I called upon.

Q. Did you shew your instructions to Dr Forrest?

A. Yes, I shewed them to all the people I called upon, and shewed them to him among the rest, no doubt.

Q. You shewed your commission to Dr Forrest and all the rest?

A. Yes.

Q. Do you recollect no more of those instructions than you have told us? because if you do, I desire you to tell them now—if you do not, somebody else will.

*Lord Advocate.* Take care what you say, they all saw your instructions.

*Witness.* Those instructions I think spoke something about a plan, but I do not recollect the particular words.

Mr *Anstruther*. I don't want them ; I don't desire the particular words : but tell me what the general purport of your instructions was, as far as you recollect, and what plan it was it referred to ?

A. I did not say, the plan.

Q. What did it say about a plan ?

A. It was speaking about a plan, but I cannot speak the words. I have it in my idea, it spoke something about a plan, but I cannot say.

Q. Did it call it a great plan, or a grand plan, or something like that—did it or not ?

A. I have an idea of that word being in, but I cannot tell exactly that there was the word *grand plan*.

Q. What was the grand plan to do ?

A. What that was to do, I could not tell.

Q. Was it to settle every thing ?

A. I do not mind of its just speaking in that way.

Q. What did you understand it to mean at that time, when a plan was mentioned in your instructions ?

A. I understood Mr Watt speaking to me.

Q. But what did you understand it to mean ?

A. It might be that plan Mr Watt was telling me.

*Lord Advocate*. You will see what he says, half an hour after asking the question.

Mr *Anstruther*. Did it say any thing about the Committee of Secrecy ?

A. It spoke something about a Committee.

Q. What sort of a Committee ?

A. It spoke about, I don't know whether it was secret or not ; it is impossible, I cannot keep in my mind every thing.

Q. What did you say about a Committee ? try it again.

A. I have some idea that it spoke something about a Committee of Secrecy.

Q. Did it say any thing about Britain being free ? you have told us that it spoke about the grand plan which Mr Watt spoke about—did it tell any thing about being free ?

*Lord*

*Lord Advocate.* Say yes or no, which ever you like.

A. I think I remember of its saying something about that.

Q. Was Britain to be free when that plan was executed, or not? was the plan you mentioned before to be Mr Watt's, was that the plan that was to make Britain free or not?

A. I tell you what I remember, viz. about its speaking something about those things, but I cannot say what.

Q. Did it say Britain was to be free; what was it, that was to make Britain free, was it this plan or not?

A. I cannot recollect the expressions.

*Lord Advocate.* Q. What was it that was to make Britain free, was it the grand plan?

A. It said something about it.

Q. What was it that was to make Britain free—the substance—the sense?

A. I think they were different sentences as far as I could make them out.

Q. What was the sense of all the different sentences?

A. It said they hoped Britain would be free, something of that kind.

Q. But you cannot say whether the plan was to do it or not?

A. It did not say, whether the plan was to do it or not, it might mean that.

Q. Who were the Committee of Secrecy to correspond with?

A. They were to correspond with Mr Downie.

Cross Examination by Mr Hamilton.

Q. I wish to know, Mr Fairley, did Mr Watt at any time say to you he had any intention of mastering the soldiery any where, of making himself master of the soldiers? you mentioned in the former part of your deposition you had some apprehension about the soldiers, and Watt said he had no fear, and he conceived there were a great many friends, and repeated it. I wish to know whether Watt expressed himself



himself so, that he proposed the soldiers should be got the better of ?

A. I don't recollect his ever saying any thing about getting the better of the forces.

*Mr Erskine.* I think he said he made the tour of those different places without any instructions from Mr Watt, but merely of his proper motive. I wish to know if you have not sworn this ?

A. He gave me no instructions.

Q. You said you had no instructions to go to all those places ?

A. I just went and told them to correspond with Mr Downie.

DR FORREST Sworn.

*Mr Anstruther.* Q. Where do you live ?

A. In Stirling.

Q. You are by profession a surgeon ?

A. Yes.

Q. Do you know a person of the name of Fairley ?

A. A person of the name of Fairley called upon me some time ago. I am not absolutely certain. I think about the beginning of May last. I think Fairley called upon me then.

*Mr Anstruther.* Give the answer to the question, Dr Forrest.

Q. Did Mr Fairley produce to you any written or printed papers ?

A. A written paper he produced, after talking of some little matters of indifference.

Q. In what manner or character did Fairley introduce himself to you ?

A. He said he was desired to call upon me by a Mr Bell of Edinburgh.

Q. What was the general purport of the conversation ?

A. I cannot recollect at this distance ?

Q. Did he tell you for what purpose he came to Stirling ?

A. I

A. I think he mentioned it was with a view to shew in what situation the society was.

Q. You mean the society of the Friends of the People?

A. The Friends of the People, my Lord.

Q. Did he shew you any written paper?

A. He gave me three copies, of the number I am not absolutely certain, I think three, and a letter, a printed letter, I think it resembles this very much.

Q. Look at that.

A. And that likewise.

Q. The papers he gave you were destroyed?

A. Yes, I destroyed them and the copy of the letter, and the copy of the regulations I gave to one Douglas, those that remained were destroyed by my friends.

Q. Now, did he shew you any written paper?

A. Yes.

Q. Recollect as near as you can, not the words, I don't want them if you cannot exactly state them, but state as well as you can, the purport of the written paper he shewed you.

A. I cannot pretend to state the real purport, I will state the general purport of the paper.

Q. What was it about?

A. He mentioned that some money was wanted. I think he mentioned Mr Skirving and some other sufferers in the cause of Freedom, and wished the society would endeavour to procure something for that purpose.

*Mr Anstruther.* That is not the written instructions, but conversation; I want you to state the contents of his written instructions.

A. There is nothing particular that I can recollect of his written instructions, except it be one part of his instructions.

Q. Speak out, and state that part of his instructions you do remember.

A. Why, I am not absolutely certain of it. That there were to be collectors of a certain number, whether fourteen or not I cannot say, and they were to be provided with——

Q,

Q. What?

A. I cannot say, it was a blank.

Q. What did you say?

A. Provided with, or provide themselves with.

JURY. Who were to be provided?

A. The collectors or the people, I don't recollect exactly which,

*Mr Anstruther.* Provided with what?

A. I did not see any thing.

Q. Was it a blank?

A. Yes, it appeared to me a blank.

Q. Now, Dr Forrest, what conversation had you with Mr Fairley on that subject?

A. I don't remember the conversation particularly; I am ready to answer any question so far as I know, but I cannot pretend to state the whole of a conversation I do not particularly remember.

Q. What was the import of Fairley's conversation with you?

A. The import seemed to me to be to know in what state Stirling was, and to procure money for the relief of those that suffered in the cause of reform.

Q. Did it appear to you to be proper or improper conversation?

A. I don't know whether I am a proper judge or not.

Q. How did it strike yourself; was it any thing about arming?

A. I don't recollect that any thing about arms was mentioned!

Q. What occurred to you at the time to be the meaning of that blank?

A. Am I here to state facts I positively know, or fill up that blank with what I conjecture, or not?

LORD PRESIDENT. The meaning of that conversation, you are bound if you know it, to explain.

No answer.

LORD



LORD JUSTICE CLERK. You must have had some idea at the time, tell the Court and Jury what it was.

Q. Did you ask Fairley what that blank was?

A. I really did not, I was rather adverse to asking him any questions about it.

Q. Why was you adverse?

A. It seemed a little odd there should have been any blank.

Q. What construction did you put upon it?

A. I fancied it might be something that might not be proper for me to investigate or enquire into.

LORD PRESIDENT. What do you mean by that something?

A. I suppose, had it been a proper thing it would naturally have been filled up.

Q. Did you suppose it was arms?

A. Yes, my Lord, I did.

Q. Why did you not mention it before?

A. I thought I was not to give any conjectures.

*Mr Anstruther.* You have told me you supposed the blank was to be filled up with the word arms, what did you say to Fairley upon that?

A. I don't recollect immediately what passed.

*Lord Advocate.* It having occurred to you this blank meant arms, did you or did you not prohibit Fairley to proceed any farther?

A. It was mentioned to him. I believe I mentioned it to him myself. I did not wish to have it in our power to injure any one; but he should be cautious of what he said.

Q. Now, Sir, did Fairley accordingly stop upon that caution which you gave him?

A. I don't remember what particularly followed that.

Q. Did he ask you any thing with regard to the number of friends in Stirling or its neighbourhood, or with regard to the friends in whom they could place any reliance?

A. I am really not certain whether he did or not.

Q. Then, did Fairley mention to you any thing with re-

spect to pikes being manufactured or provided in Edinburgh?

A. I do not recollect the word pikes was mentioned.

Q. Arms of any kind?

A. Arms, I do not recollect.

Q. Weapons?

A. No, my Lord,—he made something of a form like one of these upon a bit of paper.

Q. Say that out to the Jury, I hope you are not concealing the truth?

A. It was something like a soldier's halbert; we were talking about an invasion, or some such thing, and we were asking about such things for the purpose of defence.

Q. And he drew something like this, upon a paper upon the table?

A. Yes.

Q. After he drew that instrument, what did he say further; did he say any number of those were provided or providing; and where were they so providing?

A. I don't recollect any particular number; if I recollect right, he said he knew some person who could procure instruments of that kind.

Q. Did he mention the name of the person, or place where he resided?

A. He did not mention the name of the person that I recollect.

Q. Did he convey to you, or did you understand where that person resided, from Fairley's conversation?

A. The idea I had at the time, was, it was somewhere about Edinburgh; I cannot pretend to give it positive; it was my conjecture.

*Mr Anstruther.*—Now, Dr Forrest, did Mr Fairley remain with you after the company separated?

A. Yes. He slept in my house.

Q. Now, I want you to tell me what conversation passed between you and Mr Fairley, after the company separated?

A. Very

A. Very little. It was about midnight, and I went very soon to bed.

Q. Did he say any thing about collectors?

A. It was mentioned; I am not certain whether it was mentioned in the printed or written instructions.

Q. Did Fairley say any thing about them?

A. He mentioned something about them.

Q. Did he say any thing to you; and I desire you to recollect, that you are a person in a considerable situation of life, that you are speaking in a great audience, who hear you,—and above all, upon your oath; answer this question distinctly, did Mr Fairley or not, say to you any thing relative to a rising of the people, in any way whatsoever? Now answer that question distinctly and plainly.

A. Something was stated to that purpose; but whether he asserted it was a thing agreed upon; or as a thing that might possibly be done, or as a thing that might happen, I cannot say upon my oath.

Q. Now, did he, or not, say any thing to you, respecting disarming the soldiers?

A. That was mentioned.

Q. Who was it mentioned by?

A. If I recollect it was Fairley.

Q. Now, what was mentioned about disarming the soldiers?

A. That, my Lord, I have heard so frequently in other places, and in the common conversation of the day, I cannot pretend to say the particulars Fairley related; but it occurs to me, he mentioned that circumstance about disarming the soldiers.

Q. Who was to disarm them?

A. I don't know whether he said that it could be done, by taking their arms while they were absent, or in the night season; I am not absolutely certain of it.

Q. Who was to do it?

A. He did not state who was to do it, if I recollect.

Q. Was it the Friends of the People, or was it not?



A. He did not mention the Friends of the People.

Q. Was it the people that sent Fairley there, or not?

A. He did not say.

Q. Did you understand, from the conversation that you had with Fairley, that this plan, such as it was, was to be effected by the people who had sent Fairley there?

A. I cannot say, upon my oath, whether it was an agreed plan.

*Lord Advocate*—That is a different thing.

*Mr Anstruther*—I do not ask whether it was an agreed thing or not—or whether a thing that might be done—or was to be done—if it ever was done who did you understand it was to be done by—Did you not understand if it was ever done it was to be done by the persons who sent Fairley there?

A. Perhaps,

Q. Don't you tell me perhaps—was that your idea?

A. Yes, my Lord.

Q. Did Fairley tell you any thing or not respecting imprisoning certain people at Edinburgh?

A. So far as I recollect he mentioned some people were to be put up—but he did not state names as far as I recollect.

Q. But some people were to be put up—to be imprisoned?

A. That is what I meant.

Q. Who were they to be put up by?

A. I suppose the same people that were to seize and take the soldiers arms.

Q. Did you understand from the conversation this was to be done by the people who sent Fairley to the country?

A. Yes, my Lord.

Q. Did Mr Fairley tell you any thing—or say any thing to you about certain people in Edinburgh repenting of their conduct?

A. Yes my Lord—that probably some would repent—or regret their conduct—or some such words.

Q. Now if I understand you—were not those people who  
were

were to be made to repent their conduct the people that were meant to be put up?

A. I understood so.

Q. Certainly it would have been much better for a gentleman in your situation of life to have told this story plainly than to have had it scrued out of you in the manner it has been—I ask you now who Fairley desired you to correspond with?

A. I think he mentioned what money was to be collected on the behalf and relief of suffering friends, was to be sent to a Mr Downie.

Q. Now, I ask you again—and I desire you to recollect what it was Fairley said to you with respect to collectors—or what their duty was to be—what they were to do—were they to be for every fourteen or fifteen members the society consisted of?

A. Yes.

Q. What were those collectors to do over these fourteen or fifteen?

A. He did not state what they were to do.

Q. Were they to collect nothing but money?

A. He did not say any thing else but money.

Q. Upon your oath were the collectors to command the people whether they were to rise or not?

A. He did not say so.

Q. Did you understand that from him?

A. I had that idea.

Q. Did you gather that idea from the conversation you had with Fairley?

A. Yes, I did.

*Mr Anstruther* to the Jury—He gathered the idea that the collectors were to head and command the people when they did rise, from the conversation with Fairley.

Q. Had you no other conversation about arming?

A. None that I recollect.

Q. What led to the conversation between Fairley and you

you upon which Fairley drew the plan of a pike upon the table?

A. The subject we were talking of was the prospect of an invasion.

Q. Had you any conversation about a Convention?

A. The Convention was mentioned.

Q. What was said about a Convention?

A. I don't recollect—there was some talk about it—I cannot recollect it.

Q. Was it that there was to be a Convention or none?

A. They expected there was to be a Convention.

Q. Where was the Convention to meet?

A. It was not known.

Q. Was it to meet in Scotland or England?

A. I don't know.

Q. Had you no conversation about it?

A. Yes.

Q. What was it?

A. Little more than what I have told you.

Q. You have told me nothing yet, you have told me you had a conversation about a Convention; what was it?

A. It was said a Convention was to meet, but no time nor place mentioned.

Q. What sort of Convention was it, was it of the Royal Burghs?

A. It was a Convention similar to that which met in Edinburgh, of the friends of the people.

Q. You was a member of that Convention?

A. No.

Q. You was a member of the society of the Friends of the People?

A. Yes, I was.

### *Cross Examination.*

*Mr Hamilton.* Q. Pray, was it your own conjecture or did Fairley tell you there were concerted measures taken; that



that it was absolutely a fixed matter there was to be a rising here?

A. I gathered that from the purport of his language.

Q. What did you gather?

A. That the people who were provided with such instruments might defend themselves in case of an attack.

Q. That was the conjecture you gathered from the conversation of Fairley with you?

*No Answer.*

Mr *Anstruther*. Did you or not from the purport of Fairley's conversation gather that there was to be a rising of the people, and seizing the soldiers arms?

A. Yes.

Q. Did you ever see a circular letter signed "T. Hardy?"

A. I don't recollect it.

Q. Did you ever see that letter, or a similar letter?

(shewing him a letter.)

A. No, my Lord, I never saw it.

Mr *Anstruther*. I want now to read this circular letter which has been proved by witnesses, and is also proved to have been carried by Fairley round the country; It is the printed circular letter from the Committee of Ways and Means.

" FELLOW CITIZENS,"

" At a time when power seems to be making such rapid  
 " strides amongst us, while the friends of freedom are per-  
 " secuted and hunted down on every side, and the genuine  
 " principles of the Constitution repeatedly violated by those  
 " who at the time they are professing their attachment to  
 " it, are aiming the secret blow which undermines it, the  
 " friends of peace and reform in Edinburgh call upon their  
 " brethren throughout the kingdom: we call upon you to  
 " warn you of your danger; we would remind you of the  
 " present melancholy state of affairs, our commerce di-  
 " minished, our manufactures drooping, the industrious  
 " poor wanting bread, and the mingled cries of the widow  
 " and orphan assailing the ears of Heaven! These, these  
 " are

1

2

10.00

"We

" We should also wish to be informed of the number of  
" Friends which you have, on whose patriotism you can rely  
" with the most implicit confidence, and who you are sure  
" will spare no exertion whatever in promoting the Great  
" Cause in which we are engaged,

" We would thank you to communicate the best method  
" of making our mutual sentiments known to each other,  
" and the person to whom our letters may be addressed with  
" the greatest safety. Direct your letters as above, for Mr  
" We beg for an answer with all convenient  
" speed, and remain,

" Your Brethren and Fellow Citizens,

" The Committee of W. and M."

Which means Ways and Means.

Mr *Anstruther*. We will read a paragraph or two of this  
paper, called, " Fundamental Principles or Regulations of the  
" Societies ;" the two first regulations after the introduction.

" Fundamental Principles of the Societies"

" The Committee of Union is composed of persons ap-  
" pointed by the people to look after their interest ; and  
" are consequently amenable for their conduct to the people.  
" Therefore the people have the power of deposing by means  
" of a petition to the President of the Committee of Union,  
" and by him reported to the Societies for misconduct in any  
" of their representatives.

" Second, As representatives, the Committee of Union  
" are invested with every power their constituents can claim ;  
" the will of the constituent at the appointment of his re-  
" presentative is, that he watch over his interest as a mem-  
" ber of the community, but the will of the constituent is the  
" constituent himself. Therefore if a representative is at-  
" tacked in the discharge of his duty, his constituents are  
" bound by nature, reason, and honour to defend him."

Mr *Anstruther*. I would call your attention to the ap-  
D d pointment



pointment of Collectors, and particularly a Committee of Ways and Means.

“ Each society shall appoint one or more persons, the  
 “ most active and intelligent to be Collectors of Money, and  
 “ each of those Collectors are to have the superintendence  
 “ of fifteen or twenty persons, whom they are enjoined to fit  
 “ as oft as their time may allow. What money they may  
 “ collect is to be delivered to the Treasurer of their different  
 “ societies every week.

“ 2d, Such Collectors are permanent, unless disqualified  
 “ by inattention or otherwise. They are to meet with the  
 “ Committee of Ways and Means to report progress, once  
 “ every three weeks.

“ *V. Of the Extent of Delegation.*

“ 1st, The election of delegates, to the Committee of  
 “ Union, takes place on the first Thursday of February,  
 “ May, August, and November, annually.

“ 2d, Each society shall send a delegate for every twelve  
 “ members to the Committee of Union, with a letter, sign-  
 “ ed by the President and Secretary, for the time being.—  
 “ How soon an addition of twelve is made to any society,  
 “ that society is entitled to send an additional delegate.—  
 “ But no society, however numerous, can send more than  
 “ three representatives.

“ 3d, The powers of such representatives shall continue  
 “ only for three months, at which period, they must either  
 “ be re-elected, or others chosen in their room.

XVI,

“ 1st, The societies shall adopt such regulations, and ad-  
 “ here to such instructions as the Committee of Ways and  
 “ Means may think proper to issue, after being sanctioned  
 “ by the Committee of Union.

“ 2d, No member shall introduce religious topics into de-  
 “ bate, nor motion for prayers to be said, either at the ga-  
 “ thering

“ theering or dismission of the societies, because every thing  
“ that tends to strife and diversion, must be avoided.

“ *Laws relative to the Committee of Union.*

“ 1st, The Committee of Union shall meet once a week  
“ and elect a president every meeting, according as their  
“ names stand in the roll. No member is to absent him-  
“ self, without assigning satisfactory reasons.

“ 2d, The secretary shall continue in office three months,  
“ during which period, he has the keeping of the books.

“ 3d, It shall be eligible, in any person, properly delega-  
“ ted from any part of the three kingdoms, to be members  
“ of this Committee.—But no foreigner can be admitted.

“ 4th, No delegate shall send another person in his room,  
“ when he is prevented from attending himself.

“ 5th Both the president and secretary are subject to the  
“ same laws that regard the president and secretary of soci-  
“ eties.

“ 6th, None is allowed to speak in the discussion of any  
“ question but once, unless to explain.

“ 7th, The roll is to be read by the secretary at every  
“ meeting, so soon as the president takes the chair,—which  
“ he must do precisely at eight o'clock, after which the mi-  
“ nutes of the preceeding meeting are read, and the order  
“ of the day called.

“ 8th, The Committee of Ways and Means must report  
“ progress once a week.

“ 9th, No member is allowed to accuse or make any in-  
“ jurious reflections on another, neither in the Committee  
“ of Union, or in the societies, without first submitting the  
“ grounds of his accusation to the Committee of Ways and  
“ and Means, and they to report to the Committee of U-  
“ nion, if (upon examination) they see sufficient reasons  
“ assigned.

“ 10th, The name of the accuser is not to be made pub-  
“ lic, unless the Committee of Ways and Means consider

“ the grounds of accusation worthy of the attention of the  
“ Committee of Union.

“ 11th, Disinterestedness, condescension and affection to  
“ one another, must prevail, not only amongst the members  
“ of the Committee of Union, but amongst all the societies.

“ 12th, Heroism, and magnanimity of soul must be cul-  
“ tivated and studied, and every one must endeavour, in a  
“ prudent manner, to vie, who will be most instrumental in  
“ forwarding the glorious cause;—for, independent and en-  
“ larged minds give honour and preference only to merit.

“ *Laws relative to the Committee of Ways and Means.*

“ 1st The Committee of Ways and Means is permanent,  
“ and the members of it have the power of expelling any  
“ one or more of its members, for misconduct or inattention.

“ 2d, They have the nomination to any vacancy in their  
“ own body, also a discretionary power to meet where, and  
“ when they please.

“ 3d, It shall consist of no more than seven, nor of less  
“ than four persons.

“ 4th, The president and secretary of the Committee of  
“ Union shall examine the money transactions of the Com-  
“ mittee of Ways and Means, once every four weeks.”

ROBERT ORROCK Sworn.

Mr Dundas.—Q. I think you are a smith?

A. Yes.

Q. You live at the Dean?

A. Yes.

Q. You are a member of the Water of Leith Society?

A. Yes.

Q. And I believe a member of the Committee of Union?

A. Yes.

Q. And also, a member of the Convention?

A. Yes.

Q. Now Robert, recollect yourself; do you remember be-  
“ ing present at the Committee of Union, about the beginning  
“ of



of May, when they talked of sending arms into the country?

A. No.

Q. You don't recollect that?

A. No. I do not.

Q. When did you first hear about arms at all?

A. It was before that.

Q. At what time was it?

A. I dare say it was in March. I suppose it was about the latter end of March.

Q. Where was it?

A. It was in George Ross's.

Q. About what time in March was it?

A. I suppose it was near the end of March.

Q. Do you recollect who was present at George Ross's, when this conversation took place?

A. The first time that ever I heard it mentioned, was at a reading of the newspapers, when were present, Mr Watt, Mr M'Ewan, and Mr Downie, I believe.

Q. Do you recollect what was said at that time? tell us as near as you can remember, the sense and purport of the conversation.

A. The sense of the conversation was,—it was in the News about an invasion,—they began to speak about it,—and they were saying, that there were arms come to the Goldsmiths' hall gentlemen;—that was the sense, I believe, to the best of my recollection.

Q. Any thing more said to the best of your recollection, Robert?

A. Any thing more!—Yes!—the next thing I heard said, but I could not say positively, who it was that said it,—We had better apply for some of them.—It was likewise said, that there was none that was for a reform, that need apply, to the best of my recollection.

Q. Do you recollect any thing more passing?

A. Yes.—I recollect of its being said, but I could not positively say by whom,—whether it was Mr Watt that said, that

that there was no law in being, that could hinder us from getting arms,—I am not certain.

Q. Now, did Mr Watt come to you at the Dean, in the course of the month of April, or soon after that time?

A. Yes.

Q. Do you remember his coming to enquire if you had made a certain weapon?

A. Yes.

Q. What did he say?

A. He asked if I had.

Q. What time might that be?

A. Sometime in April.

Q. What did you say to that?

A. I said I had.

Q. And what passed then?

A. He asked me to make one of another pattern.

Q. You shewed him one as a pattern?

A. No. He did not see it.

Q. How did he know what pattern?

A. He asked, I suppose he was told before I shewed him.

Q. What said Watt to that?

A. He said he thought such a pattern would be better; it was a kind of a draft.

Q. He shewed you a draft of a different pattern?

A. Yes.

Q. What did he say?

A. He asked me to make one, and bring it in to shew him.

Q. Did you bring in what you had made?

A. Yes.

Q. Where to?

A. To George Ross's.

Q. Who were there present when you brought it?

A. There was Mr Watt, Mr Downie, Mr Bonthronie, Mr M'Ewan, and another man, that I did not know.

Q. What did you do?

A. I shewed them it.

Q. And what did they say to that?

A. He

A. He was looking at it, and asked me.

Q. Who asked you?

A. Mr Watt.

Q. Asked you for what?

A. He desired me to go out, after looking, which I did. He asked me, before I went away, if I would leave it with him all night, and I said I would, and did so.

Q. When did you see Mr Watt again?

A. I saw him that same night again.

Q. And when did you see him, after that again?

A. I don't know, but it was at George Ross's I saw him after that.

Q. Do you remember Mr Watt coming to your shop at the Dean, a few days after that?

A. Yes.

Q. Do you remember it?

A. Yes.

Q. How long after that might it be, speaking to your recollection?

A. About the first of May.

Q. He came to your shop at the Dean, and what did he desire you to do?

A. He desired me, that night at George Ross's, to make a few of them.

Q. A few of what?

A. A few of these weapons.

Q. These cross pikes?

A. Yes;—a few, without any number.

Q. Did he desire you to make any other sort of pike?

A. Yes.

Q. How many of that other sort?

A. He said two or three dozen.

Q. Did he ask you how many you could make in a week?

A. Yes. Me, and my two men.

Q. What did you say?

A. I said fifty.

Q. Did



Q. Did you see Mr Watt sometime after that?

A. Oh! but there was more passed then.

Q. Tell all that passed.

A. When he said how many could I make in a week and my men, I said that quantity; but I said possibly none; Oh said he, I am not upon that; that is not my meaning; I took it he conjectured he had asked me the price; and I was really considering, at the same time he was calculating the price what I could afford them at; because, when I told him with respect to the price,—possibly I might make none.

Q. Was there any thing else passed?

A. He did ask me to make two or three dozen of each kind.

Q. Now, you saw Mr Watt some time afterwards;—did you not?

A. Yes. And he likewise spoke, and asked me, if I could get any sticks for them; I said, I dare say I might; that I could.

Q. Did any thing more pass at that time?

A. I do not recollect.

Q. Do you recollect Mr Watt coming to enquire at your shop afterwards, if you had made any progress in your work?

A. It was the day he was enquiring whether I had made any progress, in George Ross's. He asked me to make a few, and then, when he came, he asked me what progress I had made.

Q. Do you remember receiving a message from Watt, by a person you did not know?

A. Yes.

Q. What message was then brought to you?

A. He was twice there.—When he came first, it was asking, if there was something done, which I did not like to do at that time, when Mr Watt was out with me; I told him I had not made any, for there was one of my men away; he said that was a pity, and he asked me, whether I could get one; I said I supposed I might; I had not been in the town,

town;—I did not say he was to seek a man;—but Mr MacEwan, some days after, said, Mr Watt had a kind of a man for me:—but I never saw Mr Watt, nor did he tell me that he had.

Q. I ask you, what the message was, this unknown person brought you from Mr Watt?

No answer.

COURT.—Q. How do you know it was a message from Mr Watt, if you did not know the man?

No answer.

Lord Advocate.—How did you know this person came from Watt?

A. He told me.

Mr Erskine.—That is hearsay:

Mr Anstruther.—Let us ascertain the delivery of the message; the man is not far off, and he will tell you from whom he received it.

A. He was asking me about making the instruments; if I had got any of them ready; I said they were making.

Q. Who was that person?

A. It was Martin Todd.

Q. What message did Martin Todd bring to you?

A. It was asking me what I had made, or got made, or was I making them; that was his first message; I told him, I was making them.

Q. Who did he say he brought this message from?

A. From Mr Watt.

Q. Who was the second message from?

A. The second message was shewing me two weapons.

Q. Look upon the table, and see if you can see one of them?

A. I see one of them.

Q. What did he tell you?

A. He desired I would make mine in like manner;—I said I would not, and if I had known it, I would have made none of them.

Q. Why would not you make them of that sort, Mr Orrock?

E e

A. I

A. I had a little more alarm in myself at that time.

Q. Now, what was your alarm for at that time?

A. I can give you that;—I did not at first know how many there was of them.

Q. When did you take the alarm?

A. It was when with him, William Brown came out to me.

Q. Who was he?

A. A smith.

Q. Where did he live?

A. He lives at Goosedub.—I say William Brown came out to me, and asking me; says he, you are making so and so; I was at a meeting of the Friendly Society that night; and he sent for me out, and he asked me, if I was making so and so for Watt; and then asked me, what would we do for sticks;—and I said, what was to hinder us to get sticks? He said there would be thousands wanted.

Mr *Anfruther*. I am desiring him to explain the cause of his alarm. Q. Why was you alarmed?

A. Because thousands would be wanted in the first place. I am telling you when Watt spoke to me, he spoke in no sort of secret way; but very open. William Brown seemed all in hidlings.

Q. Why was you frightened, Robert? you know, if thousands of them were wanted, you would have more trade.

A. It was not for that, because, if there had been thousands wanted, I could make thousands as well as fifty, that did not alarm me in the least.

Q. What did alarm you?

A. I will give you that; because, in making them, I did not like it being in such a hidling concealed manner; I thought there need not be so much hidling.

Q. How many of these pikes did Watt order from you altogether?

A. Mr Watt said, to my knowledge you can make three dozen in one week, and then he came to five dozen.

Q. Did



Q. Did you ever hear any thing about their being for the top of a gate?

A. Yes.

Q. Now, who told you any thing about their being for the top of a gate?

A. Mr Watt.

Q. What did he say?

A. He said, what would I say when I was making them, supposing none of them finished? what would I say to inquisitive people that would be asking of me? I answered I don't know.

Q. What did he then say to you?

A. That I might say they were for the top of a gate or a railing.

Q. Did you ever see such things as these upon the top of a gate?

A. I have seen something like the straight ones.

Q. Did you ever see the cross ones on the top of a gate?

A. No.

Q. Did you ever see any of the cross ones upon the head of a halbert?

A. Yes.

Q. Was there any thing said about laying

A. He said, I might lay them by or put them by as soon as made.

Q. Did not you think it very odd that he should tell you these were for the top of a gate?

A. No, I was never much alarmed at that.

Q. What were the sticks for?

No answer.

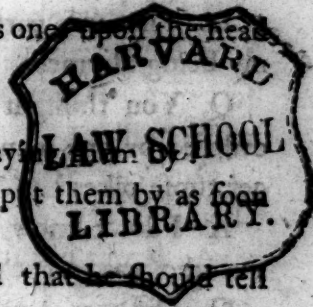
Q. Had you an order for any more of these than five dozen?

A. I had no more.

Q. You got alarmed about them?

A. Yes.

Q. Why was you alarmed? what purpose did you think they were for when they were bespoke?



A. I thought they were defensive weapons for the country in case of invasion.

Q. What did you think?

A. I did not think there was occasion for any secrecy.

Q. Did you not think they were for another purpose?

A. I did.

Q. Where were they to send the pikes?

A. He did not say.

Q. He never mentioned any number? who was to pay you for these pikes?

A. Mr Watt, I knew no other, I suspected him to be the paymaster.

Q. Was you ever told somebody else was to be your paymaster?

A. I was by Mr McEwan.

Q. And who was you to be paid by?

A. By Mr Downie.

Q. Did you not think it a very odd thing pikes should be ordered by one man and paid for by another?

A. That was part of my reason, as I told you before, for my being alarmed.

Q. You thought it an odd thing that pikes should be ordered by one man, and paid for by another? who was to get those pikes?

A. I don't know what he intended, but he did not say to me who was to get them.

Q. Did you ever take home any pikes?

A. Home! where.

Q. To Mr Watt's?

A. I never did.

Q. What became of them that you made? were they seized by any Sheriff Officer?

A. Yes.

Q. Was you taken up at the same time?

A. Yes, there were some in the shop that were not finished.

Q. Were all that were in your shop got?

A. No

A. No, they were not all found.

Q. Some of those on the table are of your making?

A. Yes.

Q. What became of those that were not got?

A. That is what I cannot tell.

Q. Robert, was you a member of the Committee of Union?

A. Yes.

Q. Where did it meet?

A. It met in George Ross's.

Q. What was the purpose of that Committee of Union?

A. There was no other purpose than meeting and getting news from other societies; and there was to be a Convention; and the getting up money for the delegates that were to go to it.

LORD PRESIDENT. He said all in his shop were not found?

A. I know certainly they were not all got. I came in along with what was got.

Q. Did you know where the rest were?

A. The rest were just in the shop.

Q. Were they all open in the shop.

A. There were none hidden.

Q. How came they to take some and leave others?

A. Because they were not in the same place.

Q. How came they not to be in the same place?

A. They were lying under the vice board. Always when we soften any iron, we shoot them in the ashes, and there were two or three of them lying in the ashes, and the rest were below the vice board. I will give you all candidly.

Q. Now, you say, this Committee of Union was to chuse members from another Committee to collect money for them?

A. No, I understand it was always in the other Committee; they were leading men, and there was money given; they got 15s. from us.

Q. What was that Convention to do?

Q. I



A. I never heard it was for any thing but to meet for Universal Reform.

Q. Now, Robert, did you ever hear of any Committee of Ways and Means?

A. Yes.

Q. Do you know of any Committee of Ways and Means?

A. Yes.

Q. Do you know that Watt was a member?

A. Yes.

Q. Do you know that Downie was a member?

A. Yes.

Q. Now, Robert, who was to make the sticks for these?

A. I said I could get them made by different persons; to the best of my recollection I mentioned Mr Black.

Q. How many sticks were to be wanted?

A. I was to get sticks for as many as I was to make.

Q. Did you ever hear any thing about some thousand sticks wanted?

A. Yes.

Q. Then, I believe you were determined not to make any more pikes after what you had heard?

A. Yes.

Q. Why did you determine so?

A. I thought it at first was not for that intent, and I began to be alarmed as to the hidlings of them. I could not positively say what they were for.

Q. Did you not begin to be frightened because you thought a few pikes might just as well get the end you had in view, as a petition?

A. I never had that in view.

Q. You began to be frightened?

A. I did, because I did not know what use he intended to make of them.

Q. Did Mr Watt ever give you any orders for pikes before?

A. Never.

Q. Did

Q. Did ever any other body give you orders for pikes?

A. No.

Q. Did you ever know any other body that dealt in that manufacture?

A. No.

Q. Now, Robert, you said something about a pike which you had made before Mr Watt bespoke this of you?

A. Yes.

Q. What has become of that?

A. I don't know, it was left with Mr Watt.

A. That was the pike you left with Mr Watt the first night?

A. Yes.

Q. Who employed you to make that?

A. I did it immediately myself. I told you that in my first declaration.

Q. I know nothing of a declaration you made any where but here; who employed you to make that pike?

A. Nobody.

Q. You made it for yourself?

A. Yes, when they were speaking of arms, I said I would make arms for myself.

*Mr Anstruther.* In the Committee of Union, there was a discourse about making of arms. —he told the Committee he would make arms for himself; Watt wanted to see a pike he had made—he saw that and employed him.

Q. Watt saw the first pike you made?

A. Yes.

Cross Examined by Mr Hamilton.

Q. You said Watt told you, you might say they were for the top of a gate.

A. Yes.

Q. How did he express himself, did he seem serious or in jest?

A. No,

A. No, he did not seem serious; he did not say they were to be made in a concealed manner, but just to tell any officious person they were made for the top of a gate.

Q. When you are making any thing in your shop, is it common for you to say it is made for one thing when it is made for another?

A. When a man comes and asks such questions, I call it fishing—that I thought they had very little business with.

Q. Is it the usual direction of those that employ you, to tell those who ask you about it, that you are making such work for one purpose when you are making it for another?

A. No, Sir.

*Mr Anstruther.* He has never said people gave him that direction.

*Mr Hamilton.* Do you sometimes get directions from people that employ you to say things are made for one purpose that are made for another?

A. To inquisitive people I have, in certain things; but it is not common nor a customary thing.

# MARTIN TODD, Sworn.

*Mr Dundas.* I understand you don't hear easily?

A. No, I am hard of hearing.

Q. You are a smith, are not you?

A. Yes, Sir.

Q. And I believe you belonged to the Calton Society of the Friends of the People, did not you?

A. Yes, Sir.

A. Do you remember receiving a message from Mr Watt to carry to Mr Orrock? recollect yourself and take your time.

A. I remember going with one.

Q. What did you go for?

A. I went to Mr Orrock with a bundle and parcel.

Q. For what?

A. I cannot say what it was.

Q. What



Q. What did Watt desire you to say to Orrock?

A. I don't remember any thing material he desired me to say; he ordered me to give him a parcel. I gave it to Mr Orrock?

Q. What was the parcel?

A. I don't know perfectly what it was. I believe it was one of these things, (looking at the pikes on the table in Court.)

*Mr Anstruther.* We should call that a pike not a parcel?

A. But it was in a parcel when I had it.

Q. Was it opened by Orrock in your presence?

A. It was.

Q. What was the Message?

A. He ordered me to take it back to Mr Watt with his compliments, and that he was going on with the things as fast as possible.

Q. What things?

A. The things that were in the parcel.

Q. What things?

A. Things like this I suppose, (pointing to the weapons on the table.)

Q. What became of them then?

A. I brought them back and gave them to Mr Watt.

Q. There were two messages you carried?

A. No, Sir, not that I remember at present. I don't think there were two.

*Mr Dundas.* Q. Did you understand that Orrock was to employ you?

A. No.

WILLIAM BROWN, Senior, Called.

*Brown.* My Lords, I want my liberty. I have been kept these four months in goal.

*Lord Advocate.* You are called here to give your evidence, do you refuse it?

A. No, I do not.

WILLIAM BROWN, Sworn.

Q. Do you know a person of the name of Robertson?

A. Yes.

Q. Did Mr Robertson ever ask you about making any spears?

A. Yes.

Q. What did he say?

A. He asked me if I would make some spears for a Mr Watt.

Q. What did you say to that?

A. I said, I did not know.

Q. What more did you say?

A. I don't remember.

Q. What did Mr Robertson say to you?

A. He said, if I was in the town, I might call upon Mr Watt and see himself.

Q. Did you ever see Mr Watt after that? Did you call upon him.

A. Yes.

Q. And what passed between you and Mr Watt?

A. He shewed me a spear, and asked me if I would make some like that.

Q. What sort of a spear did he show you? see if you see any thing like that lying upon the table there, turn them over.

A. I don't see it here.

Q. What conversation had you with Robertson about Watt?

A. Robertson said he was a merchant.

Q. Where?

A. Below the New Bridge, on the north side of the High Street.

Q. Where did you call upon him?

A. When I was down a little below the close.

Q. What

Q. What close?

A. Below Carrubber's Close.

Q. Now, when you called upon Watt in the Close, what conversation had you with him?

A. I don't think I was above five minutes with him.

Q. Did he shew you a pike?

A. He shewed me a pike, but I do not see it, it was like that one, a screw one with a spike halbert-head, a long pike.

Q. What did Watt say?

A. He asked if I would make one like that, but a little larger.

Q. What did you say?

A. That I would see and make them.

Q. Did you make any?

A. I made one.

Q. See if you can see one like it?

A. I think that is like it, there was no particular mark upon it.

Q. Did that firrel screw off in your's?

A. It was just the same.

Q. Did it screw off?

A. Whether it be that or no I do not know, I made another one, but then Mr Watt did not get it.

Q. Did you ever make another screw for it?

A. No.

Q. Did you ever make another stick for it?

A. No.

Q. How many of these did Watt order from you?

A. He set no quantity, he said two or three.

Q. Was it half a dozen?

A. I took it to be thereabouts.

Q. Did he say half a dozen?

A. He did not seem to say any quantity of them.

Q. That you call a cross pike, don't you.

A. I don't know what you call it, but it must be cross, I don't know what name to put to it.



Q. Did you ever see Watt again?

A. Yes.

Q. Upon what occasion?

A. I saw him some time afterwards. He came to see if I had made any.

Q. Where do you live?

A. At the Goose-dub. I shewed him one similar to it, half done.

Q. Did you ever see him again?

A. Yes.

Q. Had you any conversation with him about the pikes or spear-heads being ready?

A. That was when he came out at this time, when I shewed this half done. I did not chuse to make any more of them of that kind. He said he did not want any more of them. He wanted mole spears straight. I did not know what it was for, and I did not chuse to make any more of that kind.

Q. Did you ever ask Mr Watt what they were for?

A. No.

Q. How many did you make?

A. I made only one for Mr Watt, but there was another that went another way.

Q. Who took that away?

A. There was a plumber's apprentice took it away.

Q. What was his name?

A. Of the name of Allan. He took it away at the time.

Q. Allan did not pay you at that time?

A. No.

Q. Did you ever make any other spears?

A. He ordered me to make some mole spears.

Q. Did he order you to make any straight spears?

A. I said that was mole spears. He answered, yes. He wanted some straight spears with a socket like a fork. I said that was like mole spears, and he answered, yes.

Q. Did you ever make any mole spears?

A. I

A. I said, I would make some and bring them in, and see if they were the things he meant.

Q. Did you make any?

A. I made two, and brought them in.

Q. How many did you make?

A. Fourteen altogether. The first two I took in, he said, would do.

Q. How came you to make the fourteen.

A. I delivered the two first to him, and then a dozen of the straight ones.

Q. Were you paid for them?

A. Yes.

Q. Who paid you?

A. Mr Watt said, he was sorry, when I went in, that he had not money to pay me. I told him I was needing money. He said, if that was the case, he would give me a line upon one Mr Downie, and he would give me the money, as he had it not.

Q. Did you get the money?

A. Yes.

Q. From whom?

A. Mr Downie.

Q. Who was he?

A. A jeweller in Parliament Square.

Q. Where did you carry these pikes?

A. I carried them to that house where Mr Watt was.

Q. Look at them, and see if you know your own work?

A. I have no particular mark, they were of the same shape, make, and size.

Q. Did you ever make a mole spear like that?

A. Yes.

Q. For whom?

A. I cannot tell.

Q. As big as that?

A. Much the same.

Q. How many did you make?

A. I

A. I cannot say, some people make them one shape, some another ; some smaller and some larger.

Q. How many cross pikes did Watt order ?

A. He did not mention any quantity, he said two or three. I took it to be half a dozen. I did not understand it to be any quantity.

Q. Did you ever see Robert Orrock ?

A. Yes.

Q. Had you ever any conversation with him about these spears ?

A. Yes.

Q. What was that ?

A. I was at the Water of Leith about some business, and we were speaking about it, and I said I was making some mole spears ; he said he was making some for the top of a rail, and some cross ones. I never had seen any of them, but he did not tell me who he was making them for.

Q. Did you tell him who you were making your's for ?

A. I am not very certain whether I did or not.

Q. Did Mr Watt ever tell you any thing more ?

A. No.

Q. Were you making no more for Watt ?

A. No.

Q. Had you an order for making more ?

A. I don't know that I had, whether he ordered me to make some more or not I cannot be positive to that point ; whether he bid me make a dozen or half a dozen more or not I am not positive.

Q. Did any body ever tell you about any orders that Mr Watt had got from the country ?

A. No.

Q. Don't you recollect that ?

A. No, I don't recollect that.

#### Cross Examination.

Mr Hamilton. Q. You said you had some conversation with Orrock ; did you ever see any pikes of his making ?

A. I never did.

Q. Had



Q. Had you any conversation with Orrock about pikes?

A. I had some conversation with Orrock about pikes, he said they were for the top of a rail.

Q. Had you any conversation with him about sticks?

A. No, none that I remember.

Mr Anstruther. I have just now been informed that one of the witnesses (Fairley) desires he may be called in to correct some part of his evidence. I shall not say a word to him.

Lord Advocate. I shall not put a single question to him.

(FAIRLEY brought into Court.)

LORD PRESIDENT. Mr Fairley, a message has come from you, desiring leave to explain something in your former evidence, what was it?

Fairley. I recollect Mr Watt saying the banks and public offices were to be seized.

COURT. Can you recollect any other circumstances?

A. I cannot recollect any other particulars, unless a question was put. I recollect Watt said those who were most active against us were to be imprisoned.

Q. Say that again.

A. Those who were most active against us were to be imprisoned, and the banks and public offices to be seized; and that couriers were to go into the country.

Mr Hamilton. When did he say that?

A. He said there would be more who would start up; and that those most active against us were to be seized; and couriers were to be sent to announce it, or that couriers were to be sent to the country to announce this.

Mr Hamilton. Have you had any conversation with any person since you went out of the room?

A. No, Sir, I have not.

Q. Who did you understand was meant by those that were against us, who were to be seized at that time?

A. That

A. That is, those that were against us were to be arrested or something of that kind.

Q. Did he mention any particular person?

A. I don't know that he did.

Q. Did he mention any particular person?

A. I cannot say whether he mentioned the Magistrates of Edinburgh. I do not recollect any other persons. I think the Magistrates of Edinburgh were spoken of.

Q. Did he express himself as if they had any particular resentment against them for any particular cause, or why those persons were to be seized?

A. He did not say.

Q. Explain that; was it expressed as animosity against those persons on account of proceedings inimical to them?

A. I suppose so.

WILLIAM ROBERTSON, Sworn.

*Mr Anstruther.* Do you know Robert Watt?

A. I have seen Robert Watt.

Q. Had you any conversation with him about spears?

A. Once.

Q. What was that conversation, Mr Robertson?

A. He asked me if I knew any smith that would make those things.

Q. What things?

A. Spears.

Q. What did you say?

A. I said I did. I knew one William Brown.

Q. Had you any conversation with Brown upon the subject.

A. I spoke to him about it, and asked if he would make them.

Q. Did you do that by Mr Watt's desire?

A. No.

Q. Now, what conversation had you with Brown upon that subject?

A. I

A. I asked him if he would make them.

Q. What did Brown say?

A. He said he was not very sure at that time.

Q. Had you any other conversation with Watt about it?

A. Yes, once he asked me if I had spoke to Brown.

Q. What said you?

A. That I had.

Q. Spoke to Brown about what?

A. About spears.

Q. Did Watt tell you what those spears were for?

A. No, he did not.

Q. Did you ever ask Watt what they were for?

A. No, I never did.

Q. Did it not strike you it was an odd thing a man in Watt's situation should be ordering spears?

A. I did not think any thing about it at that time.

Q. Did you think any thing about it since?

A. No.

Q. Had you no conversation with Watt about it at all?

A. No, I did not ask him any question at all.

Q. I believe you was a member of the British Convention?

A. Yes.

Q. Do you know a person of the name of Skirving?

A. Yes.

Q. You have written him some letters?

A. One letter.

Q. Where do you live? What part of the town do you live in?

A. In Simon's Square.

Q. Now, sit down and read that letter quietly. Tell me first whether it is your hand-writing?

A. It is. "Edinburgh, April 7th 1794."

(The witness looked over the letter.)

Lord Advocate. Did you write that letter of the date it bears?

G g

A. Yes,



A. Yes, I did write that letter.

Q. Now, what was the number of your Society at the dispersion of the British Convention?

A. I do not recollect particularly what the number was.

Q. About how many?

A. I could not really say how many at that time.

Q. About how many Mr Robertson? You could tell Mr Skirving, you might as well tell me.

A. I could not be positive how many at that time.

Q. Was it from thirteen to twenty?

A. It might be twenty, or between thirteen and twenty.

Q. Did it increase much after the dispersing of the British Convention?

A. It increased very fast.

Q. They increased very fast after that? to how many did they increase?

A. They might be near one hundred.

Q. I believe your school was the place where the British Convention met the day after it was dispersed?

A. No, it was not.

Q. It met in your neighbourhood?

A. Yes.

Q. Did it meet in your school afterwards?

A. No, it never did.

Q. The Friends of the people met in your school?

A. A society met.

Q. That is the society that increased so much?

A. Yes.

Q. Now, what was the object of that society?

A. I know of no object but to obtain a Reform.

Q. What sort of a Reform?

A. Universal Suffrage and Annual Parliaments.

Q. Was there any obstacle to the prosecution of that end?

A. I don't know. There was a meeting.

Q. Was there any obstacle to it?

A. There was no obstacle, but a petition to Parliament.

Q. But

Q. But what was the obstacle that stood in the way of it?

A. I did not see any, but to petition Parliament.

Q. You could tell Skirving, now, you may as well tell me?

A. I could not say what was the obstacle.

Q. Did you think that poverty was the obstacle?

A. They could not get their petitions made up so soon owing to that.

Q. Did you ever hear of a Committee of Union?

A. I have heard of it.

Q. Was you ever at it?

A. I never was at it. I know it was a Committee of Union.

Q. Was you ever at the General Committee?

A. Yes, it went from January to March by the name of the General Committee.

Q. I think you was Secretary to that General Committee?

A. I never was Secretary except one night.

Q. And Stock was President or Preses that night?

A. I do not recollect.

Q. Do you recollect any motion made that night? See if you remember that motion made in the Committee?

A. Yes. I remember there was some motion of that kind.

Q. There was a motion to that effect?

A. Yes.

Q. Was that motion carried?

A. Not that night. It is not in my memory.

Q. Who proposed it?

A. I cannot say who proposed it first.

Q. Was it proposed by a person whose name is there? read that and tell me whether it was proposed by the person named there?

A. I do not know whether it was Mr. Watt that proposed that motion that night or not.

Q. Was he there?

A. I think he was, but I cannot be certain whether he proposed that motion or not.

Mr *Anstruther*. It is the paper that has been read already for the institution of that Committee.

Q. Did your Society send delegates to the Convention?

A. They sent three.

Q. Do you recollect their names?

A. I think Mr Stock was a delegate.

Q. Mr Stock was a delegate from your society?

A. Yes.

Q. Who was the other?

A. One Mr Hardyman.

Q. Who was the other?

A. I cannot recollect.

Q. Have you ever heard any thing of a Committee of Ways and Means?

A. I have heard of it.

Q. What was it?

A. I have heard no more but that there was such a Committee.

Q. Now, what was the purpose of that Committee to which you sent delegates?

A. It was to form a correspondence among the Societies in Edinburgh.

Q. Do you know of any correspondence in the country with that Committee?

A. No, I do not.

Q. Do you know any thing of one person going to the north and another to the west?

A. I heard of them going, but did not know them.

Q. Who did you hear of them from?

A. I heard of them from several.

Q. Name them?

A. I cannot name them.

Q. Who were the persons that told you of one person going to the north and another to the west?

A. I



A. I believe, I heard it openly in the society, I cannot recollect any person in particular.

Q. You don't recollect, you say, who it was?

A. No, I do not.

Q. Do you know any thing about greater secrecy being observed in your proceedings now than formerly?

A. I might have said something to that purpose, it was merely myself, no other person has said it, I could not say but there might be more secrecy.

Q. Don't you know that there was?

A. I cannot answer that question.

*No Cross Examination.*

COURT. Would you know Mr Watt if you say him again?

A. Yes, I believe I would.

Q. Look and see if you see him at the bar. Is that Mr Watt?

A. Yes.

Mr *Anstruther*. Q. Is that the person that gave you the message to Brown?

A. Yes.

WALTER MILLER Called.

*Walter Miller*. My Lords, I have some difficulties, before I can submit to be a witness in this trial; when I am called an honest man, and abiding by the laws, I have no objection to give my evidence; but when I have been imprisoned for several months past, it may appear I come here guilty of all the crimes laid to those men; if that be the intention of the prosecutor, I beg he will indite me.

*Lord Advocate*. I have no such intention.

WALTER MILLER, Merchant, Sworn.

Mr. *Anstruther*. Q. Now, Mr Miller, I will tell you before you begin, that you are not bound to answer any questions that tend to criminate yourself. The first question I ask

I ask you is, whether that letter ever came to you by post?  
(Shewing him a letter.)

A. Yes, that letter certainly came to me?

Q. How did it come to you?

A. By post.

Q. Look at it, there is no post mark?

A. There is undoubtedly a post mark.

Q. Do you know whom it came from?

A. It is signed by the gentleman that sent it, I suppose?

Q. Look carefully at it, and look at the back of it, then the side of it, don't be in such a hurry?

A. The answer was to be sent to Ross, Liberty Court.

Q. Was there an answer sent to London?

A. There was none sent to Edinburgh; there was an answer sent to London, I believe.

Q. Do you believe it was sent? was you at the meeting that resolved upon writing an answer to it?

A. Yes, I certainly was at the meeting.

A. Was it an answer agreeing with the letter or not?

A. Yes, it was an answer so far that if a Convention was called, we resolved to send a delegate.

Q. Did you ever remit any money to Edinburgh for the purpose of the friends of the people?

A. Yes, I did.

Q. In consequence of what did you remit it, and by whose directions did you remit it?

A. Why, I remitted the money in consequence of being appointed treasurer for the society of the Friends of the People at Perth.

Q. How much?

A. Fifteen pounds Sterling.

Q. To whom did you remit it?

A. To Mr Downie.

Q. Why was it to be remitted to Mr Downie?

A. Because I understood some instructions had come to our place to some person or other to send any money we

were

were sending to Edinburgh to Mr Downie. We understood he was treasurer of those societies.

Q. What societies?

A. Societies of the Friends of the People.

Q. What was the purpose of remitting that money?

A. For relief of patriots, and support of the cause of freedom.

Q. Did not those instructions come to yourself?

A. No.

Q. Did that letter ever come to you, Mr Miller?

A. Yes, it did.

Q. Was it before or after that letter came to you that you remitted the money?

A. As to that I don't know, but it was a considerable time before this letter came to me that this money was gathered for that purpose.

Q. Was it before or after that letter came to you, you remitted it?

A. It was certainly after, for no letter came directed to me before I remitted the money.

Q. How was you informed that Downie was treasurer for the Friends of the People?

A. I told you before some people in Perth got it by word of mouth or letter.

*Mr Anstruther.* The letter is signed "T. Hardy."

Cross Examined by Mr *Hamilton.*

Q. You mentioned you had agreed in your societies to chuse a delegate to send to the Convention?

A. Yes.

Q. Did not you understand in that Convention it was their intent to procure a reform by legal means?

A. Certainly it was for the cause of a reform, for carrying it on.

Q. Did you think or did you suppose the object and intent of that Convention to which the delegates were to be sent



sent was to subvert the authority of this Kingdom ?

A. I had no supposition of it at all.

ARTHUR M'EWAN, examined again.

Q. The night when the Committee of Ways and Means met, when Watt told you of the plan you have told us of already, for what purpose did it meet that night ?

A. I don't know what purpose it met for, only it was in use to meet weekly.

Q. Was it not to answer a circular letter that night ?

A. I do not know of it.

Q. Did you ever see a letter signed " T. Hardy." ?

A. No.

Q. Did you ever know of an answer sent to Hardy ?

A. No, never.

Q. Did you ever know of any conversation respecting the mode in which the correspondence between your society and Hardy was to be carried on ?

A. I never heard it till Mr Stock said he was to do every thing in his power to open a correspondence between Watt and Hardy.

Q. Was it that night the Committee met or not ?

A. It was the last night that the Committee met.

Q. Was it not that night they were to answer a letter from Hardy ?

A. No, there was no letter wrote that night.

Q. Was not Stock to carry a letter to Hardy ?

A. Not that I know of.

Q. How was that correspondence between Hardy and Watt to be carried on, did Stock plan some mode of correspondence between Hardy and Watt ; what passed upon that occasion ?

A. I could not make it distinct how he was to carry it on, it was to be done in such a droll way, I could not make it distinct ; if I recollect right he had a piece of paper, and it was like dividing down this way (*drawing his finger down the*  
*centre*

*centre of the paper in a perpendicular line*) the aristocrats doing so and so on one side, and the democrats doing so and so on the other side.

Q. Then the correspondence was to be carried on in two columns?

A. Yes, I suppose so from the mode he proposed that night.

Q. What was the meaning of carrying on a correspondence in such a way?

A. I cannot tell.

Q. Did it not strike you as odd to be carrying on such a correspondence?

A. It did, Sir.

*Prisoner.* May I put a question to that man?

COURT. Certainly.

*Prisoner.* You are asked whether or not any correspondence was to take place between Hardy and me, rather than any other person?

A. I mentioned this, that Stock did say, you wished to have a correspondence with Mr Hardy, and you could not settle upon a sure plan how you could correspond, and Mr Stock drew out that model upon which you could correspond with safety. Mr Stock drew the plan. I thought the design fixed on his part, was to carry on that correspondence, notwithstanding that plan drawn out by Stock. I did not see it, but Mr Stock drew out the plan by which you should correspond with Mr Hardy.

*Prisoner.* That I did wish to correspond with Mr Hardy?

A. That you wished to correspond with Mr Hardy.

*The Lord Advocate.* I think it my duty to the Court and Jury to state, that we mean to leave the charge against the prisoner at the bar, upon the evidence written and parole that has now been given to the Jury.

Mr *Ersine* then informed the Court, that only one of the Counsel for Mr Watt proposed to address the Jury, which Mr Hamilton would do, when the evidence for the prisoner was closed. Being desired by the Court to state in

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general

general the points to which he meant to call evidence for the prisoner, he stated that in general, he would inform the Court and Jury that Mr Watt first of all applied to Mr Dundas, then Secretary of State, conveying certain intelligence with regard to the proceedings of certain societies, which appeared to Mr Watt of a seditious nature; and that he was recommended by Mr Dundas to the Lord Advocate both by letter and conversation. This communication with the Lord Advocate continued from the end of 1792 to the end of 1793, when the British Convention met, whose proceedings their Lordships would recollect, were all published in the newspapers; from that time there was no communication with Mr Watt. Then Mr Watt became a member of the Committee of Ways and Means, the Lord Advocate went to London, Mr Watt would have conveyed such an account of the proceedings, but from the beginning of March to the 15th of May, the Lord Advocate was in London; Watt when taken up by the Sheriff Clerk, said, he could not say any thing in answer to him till the Lord Advocate came to town. This is in general the proof meant to be adduced.

MR SHERIFF CLERK Called as a Witness for the Defendant.

Mr *Erskine*. Q. You searched Mr Watt's house?

A. Yes.

Q. You found some papers?

A. Yes.

Q. Did you find any letter from Mr Dundas to Mr Watt?

A. I found one among others.

Q. Did you find this?

A. I don't recollect any thing of that paper, there is no mark on it.

Q. Mr Watt was examined before you?

A. Mr Watt was examined.

Q. Was



**Q.** Was he open to you upon the subject?

**A.** Mr Watt was brought up upon the 15th of May, along with the arms found in his house, and was interrogated by me respecting them. He declined giving any explanation, and gave for answer that he communicated with Mr Dundas and the Lord Advocate about certain circumstances, he did not chuse to give an answer. I told him this would not do, and that these arms were a very suspicious circumstance. I desired to know what use he intended to make of them, when he told me, you will find lying upon my table, an advertisement for the newspapers, intimating that pikes were to be sold by me at so much a-piece. I think it is a laudable thing of me as a merchant in fair trade, and I as a merchant am entitled to do it.

**Q.** Is that a scroll of a letter to Mr Dundas?

**A.** Yes, it is a scroll of a letter. I brought here all the papers I found:

**Mr Anstruther.** What is it they are asking for?

**Mr Erskine.** It is a letter to Mr Dundas we wish to have.

**Mr Anstruther.** I have not the least objection to your making use of any letter of Watt's in evidence.

**Mr Sheriff Clerk.** That appears to me to be the letter that was the cause of Mr Dundas's answer.

**Lord Advocate.** I have no objection to its production.

**Mr Knapp.** It is dated August the 31st 1792.

**Mr Anstruther.** That paper as it stands is not, and I believe, cannot be made evidence; it is a paper in Watt's hand-writing, found in his house, purporting to be a letter to somebody; it is attempted to be made evidence by proving that the contents of that letter seem to relate to a letter of Mr Dundas's, found in the possession of the prisoner; that could not in any view of the case make it evidence, all the papers found in the possession of the prisoner are evidence against him, but it is impossible pretended copies of letters, said to be written by him, found in his possession, in his own hand-writing, can be evidence without something more;

at the same time, so far from the Counsel for the Crown, on the present occasion, wishing to press things against the prisoner, or preclude the prisoner from producing any thing he may think tends to exculpate him, whether it be legal evidence or not, that they have not the smallest objection to these being read. I only thought it necessary to state this, not to object to the papers being read which I know not to be legal evidence, but to prevent the doing of it in this case, from being stated as a ground for its being done in another trial.

Mr *Erskine* (to Lord Advocate.) I must call upon your Lordship.

Mr *Anstruther*. Do you mean to read the letter?

Mr *Erskine*. Yes.

LORD PRESIDENT. You said all the circumstances of the pikes being found, happened between February and May. I understand that was during the ceasing of the correspondence between the prisoner and Mr Dundas?

Lord Advocate. Yes.

That letter read, dated *August 31st, 1792.*

“ Although I have not the honour of being known by  
 “ you yet from my attachment to the Constitution of this  
 “ country and of which I have the happiness of being a  
 “ native, and the fears I entertain of its constitution be-  
 “ ing subverted; have hereby taken the liberty of laying  
 “ before you facts which merit your most serious attention.  
 “ For some years I have observed accounts of associations  
 “ formed in different boroughs in Scotland for petitioning  
 “ Parliament for the redress of grievances, but knowing the  
 “ character and comparatively the smallness of the number  
 “ of those who compose the society at Perth from a resi-  
 “ dence there of eleven years at my education, and of those  
 “ in Edinburgh from a residence of eleven years in business,  
 “ part of which acting as a clerk to a respectable house, and  
 “ the remainder on my own account, and from the year  
 “ 1789, have informed myself of the character of many of  
 “ those who compose the societies at Glasgow, and Dun-  
 “ dee,



“ dee, business requiring me to be frequently in these and  
 “ other parts of the country, I was satisfied to find that  
 “ Perth did from year to year oppose petitions that had no  
 “ other tendency than to vitiate the morals of the inhabi-  
 “ tants, and get into the magistracy, men of weak heads  
 “ and factious minds; but Sir when I see and hear of so-  
 “ cieties forming in conjunction with those already men-  
 “ tioned in this city and in other parts of the country when  
 “ principles strike at the very root of the British Constitu-  
 “ tion; I cannot as a friend to my country but inform you  
 “ of their proceedings and intentions; the leaders of these  
 “ factious clubs have the audacity to go from house to  
 “ house, endeavouring to enamour the weak in under-  
 “ standing, and to inflame factions in minds by representing  
 “ them certain supposed grievances, and enforcing by  
 “ suspicious arguments the evil consequences that will una-  
 “ voidably result to the nation if they are not speedily re-  
 “ dressed; being visited by Mr William Johnson the chair-  
 “ man of their Committee here accompanied by another  
 “ gentleman, I was after some conversation invited to attend  
 “ the Committee which was to meet in Mather’s Tavern that  
 “ evening the 24th current; from a desire of knowing more  
 “ particularly the nature and tendency of such an association I  
 “ complied; the only business before them was the reading of  
 “ a letter from the chairman of the societies at Glasgow, and  
 “ Perth, and appointing the time and place of a general meeting  
 “ here; after business was over I proposed to Mr Johnson and  
 “ four gentlemen to whom he seemed to pay more than ordinary  
 “ attention to sup together to which they agreed; my intention  
 “ in this was to learn if possible their secret designs in which  
 “ I was in some measure successfull, their sentiments on po-  
 “ litics were such as astonished me how any reasonable man  
 “ living under the British Government, could adopt and  
 “ have the assurance to express the ministry must be dis-  
 “ placed, Government expences retrenched; none belong-  
 “ ing to the Treasury should have a seat in Parliament, the  
 “ following expression of one of the gentlemen, in a Com-  
 “ mittee



" mittee of fourteen met last night in the same tavern, and  
 " received with great applause, will inform you of the secret  
 " purposes much better than any language of mine can do:  
 " It is a maxim of mine (said he) that a king should be sacri-  
 " ficed to the nation once in every hundred years; these  
 " are his own words, for I was personally present at the  
 " time, their meaning must be obvious to every thinking  
 " mind; they propose to accomplish their hellish designs  
 " by pretending moderation at first in their demands and  
 " proceedings and by degrees artfully to insinuate their dan-  
 " gerous ideas into the minds of their adherents, and when  
 " they suppose themselves sufficiently powerful, then to attack  
 " perforce the Throne and the friends of the Constitution;  
 " this they think they can do with more ease and safety  
 " than even the French; That I might be able to give you  
 " as full an account as possible of their proceedings, I at-  
 " tended their general meeting in the Barbers Hall on the  
 " 28th instant, where there were present about two hun-  
 " dred persons of various descriptions, a Mr Clerk in the  
 " chair the plan of organization was laid before the meet-  
 " ing and referr'd with amendments to a Committee, and to  
 " be laid by them before the general meeting which is to  
 " take place on the 5th of September, as also a letter to  
 " Mr Gray the secretary to the London society; as they  
 " expect their number to encrease greatly. the society to  
 " be divided into smaller ones, for the more easy dispatch  
 " of business, and their future Committees to consist of one  
 " or two delegates from each of these societies, they are to  
 " put their declaration to the public into the newspapers af-  
 " ter it is approved of by the general meeting on the 5th of  
 " September; as I could not be prevail'd on to subscribe  
 " their book of admission, notwithstanding their using se-  
 " veral arguments to that effect on three different occasions,  
 " they sent me for my conviction and information Pains  
 " Rights of Man, M'Intosh's answer to Burke and Flow-  
 " ers publication, expecting that against next general meet-  
 " ing I will subscribe. Be pleased to advise lady Arnfion  
 " (your

“ (your mother) not to go to Mr Elder the bookseller shop  
 “ to look after seditious books, suffice it to say, that that  
 “ fellow has at one of these seditious Committees where I  
 “ was present, irritated the sensibility of the company at the  
 “ expense of yours and her ladyships character; Elder is  
 “ their bookseller. Thus I have without the knowledge of  
 “ any one, done myself the honour of stating to you the  
 “ proceedings of this dangerous body of men, and the mo-  
 “ tives that actuate their leaders, that you may have it  
 “ more in your power to take cautious vigorous and effec-  
 “ tual measures to baffle their wicked intentions, I trust you  
 “ will not reveal my correspondence with you to any but such  
 “ as you can positively rely on, and be assured that I will  
 “ with the utmost secrecy inform you from time to time of  
 “ their proceedings, if you are pleased to honour me with  
 “ your commands by addressing to me Merchant Edinburgh.”

*August 31<sup>st</sup>, 1792.*

Letter read, dated London, 5th September 1792, address-  
ed to Robert Watt, North Gray's Close, Edinburgh.

SIR,

I have receiv'd your letter of the 31<sup>st</sup> ultimo, and shall  
 feel indebted on behalf of the public, for any communicati-  
 on you may find it convenient to make to me. I trust the  
 number of evil disposed persons you describe are not great,  
 but it is still necessary to keep a watchful eye over them.  
 You may rest assured, you are perfectly safe in any corre-  
 spondence you may hold with me.

I am, with respect,

Your most obedient humble servant,

HENRY DUNDAS.

Another Letter was read, dated Horse Guards, August  
29. 1794.

SIR,

I have the receipt of your's, of the 26th instant, and  
lose

lose no time in informing you, that having made a distinct search, I do not find that I am in possession of any one of the letters address'd to me by Mr Watt, or the copy of any one of my letters to him; to the best of my recollection, all Mr Watt's letters were put into the hand of the Lord Advocate.

I am, Sir,

Your obedient humble servant,

HENRY DUNDAS.

To John M'Ritchie, Esq. Edinburgh.

#### LORD ADVOCATE Sworn.

*Mr Erskine.*—Your Lordship has heard what I have stated, respecting the communication between your Lordship and Mr Watt; be so good as inform us of it.

*Lord Advocate.*—In the month of October 1792, Mr Dundas came to Scotland, and I had repeated conversations with him, during that month, and till his return to London in the beginning of December, with respect to the then situation of this country.—If I recollect right, Mr Pringle, then sheriff of the county, was present at most of those conversations, the particular subject whereof was about the meetings of the Friends of the People, then taking place in the west country to a great degree, and the general alarm occasioned by these meetings.—This was a short while before the meeting of Parliament.—He mentioned to me, he had received a letter, a short time before, from a man of the name of Watt, a merchant in Edinburgh, he desired me and Mr Pringle to enquire who Watt was, and whether he was a safe person to have any correspondence with; the result of those enquiries, which were made as accurately as we possibly could, were such as to induce us to put a confidence in Mr Watt; and from that period, to the month of May last, when I received in London, when attending the Secret Committees of the House of Commons, information of what had been discovered here, I never apprehended that confidence was misplaced.

Q. Do



*Q.* Do you recollect receiving any letter from Mr Watt when you was in Dunkeld?

*A.* In consequence of those inquiries we made, on Mr Dundas going to London, the duty devolved upon me, and I conceived it my duty to carry on a correspondence with Watt and any person that was of the description of Watt. In the course of those inquiries, I remember receiving Watt one night in my own house, when he gave me a variety of information. I don't mean to mention it, nor the names informed against by him, unless he think it necessary. He informed me that at a meeting in James's Court about the beginning of November, 1792—

*Mr Hamilton. Q.* I don't ask you what were the particulars of the information that Watt gave you.

*Lord Advocate.* He once gave me in writing several informations in regard to the state of those parts of the country in which he had lately been particularly the counties of Fife, Perth and other places, and one piece of information he gave me, I thought it my duty to transmit to Mr Secretary Dundas.

*Q.* What I mean to ask is, (I hope with propriety) whether you did not think the information you got from Watt to be from a person you had no reason to doubt?

*A.* I stated before that I had no reason to hesitate about the confidence I had placed in Watt, with respect to the information which I transmitted to Mr Dundas at that period; it was to the following purpose: that a party of soldiers coming from Chatham through England to Perthshire, had been tampered with at several places in England and Scotland, by persons in whose company they had been, to mutiny, and particularly a certain number of them stated, in their march at a certain place in Fifehire, that if they were called out to suppress any riot, such as was said to have taken place in Dundee, they would not fight or do their duty. I considered this as so material and important that I transmitted it to Mr Dundas. I received in a few days a letter wrote by his order, enclosing a letter wrote by General Fox, then commanding at Chatham Barracks, stating the names

of the parties who had left Chatham some time before, and pointing out them who had gone to Perth. I communicated this to the Commander in Chief, Lord Adam Gordon; he brought the soldiers to Edinburgh: among them he brought the corporal of a regiment; it was a regiment then serving in India, in which Colonel M'Leod was the Lieutenant-Colonel. Lord Adam Gordon sent to me privately when they were come; I went down to the Abbey, where his Lordship and I examined the men separately; and as they compleatly denied every single particular of the information which I had received from Watt, nothing further was done upon the subject.

LORD PRESIDENT. Q. This was when?

A. This was in December 1792, or January 1793.

Mr Erskine. Does your Lordship recollect any communication with respect to the plan of seizing the banks?

A. Never; please to repeat your question.

Mr Erskine. Whether your Lordship received from Mr Watt any communication with respect to a plan for seizing the banks, while you were at Dunkeld in September 1793?

A. I was at Dunkeld in September 1793. I don't recollect having received any letter from Mr Watt, or having seen Mr Watt since June or July 1793, it may be otherwise, but I don't recollect it.

Q. Do you remember having seen any letter from him when you were in London?

A. In February 1793, before going to London, I saw Mr Watt at night once or twice. I cannot tell the number of times. At that time the trials were going on against Craig and Anderson and other persons of a similar description; Mr Muir and others were busy at Glasgow, and I heard that a good deal of money was going amongst those people. I thought the money must come from some concealed quarter. I was desirous to know, and I stated, that I was pretty positive it must come either from France or London, and I desired him to direct his attention particularly to that object. In March, about the end of it when in London, I received a letter from Mr Watt; he stated

stated that he had been in company with certain individuals, their names I shall not mention, unless the Counsel desire me so to do; two of them were of that description whom he watched, and whose proceedings he communicated. He wrote me that two of them had given him reason to believe that something of a very serious nature was going on which they were acquainted with, and which they were inclined to divulge, but which they would not discover unless they received a thousand pounds Sterling down, or some very large sum I am sure it was. It occurred to me this was not a proposal to which I could listen; I did not suspect Mr Watt; it occurred to me that the men deceived Watt, and that probably after having received the money, (if the money could be given) the intelligence might not be worth having; before I returned the answer, I shewed the letter to the Secretary of State, and to the Chancellor of the Exchequer, and they having both concurred in the same opinion, I returned that answer, and I heard no more of Watt till I returned to Scotland. In the month of May or June, Watt mentioned to me that he had been obliged to accept a bill on account of these men of L. 30 Sterling, which he would be obliged to pay. I wrote to a person in Edinburgh to pay that sum, and it was accordingly paid.

*Mr Erskine. Q.* Have you any letter written by Watt to Mr Dundas?

*Lord Advocate. A.* After having received my Subpœna, I searched every place where I thought it possible, and ordered my clerk to do the same, I searched every place where I thought any correspondence with Watt could exist. I wished to get every correspondence between us, and *there* is what I have been able to find.

*Mr Erskine.*—I should be extremely sorry to take up the time of the Court to read those papers, and the prisoner says he does not wish them to be read.

*Mr Hamilton.*—The Lord Advocate has given a sufficient account of the correspondence that passed between Watt and him.



*Lord Advocate.*—I do not think I have seen or heard from Mr Watt, since June or July last year; I may have received a letter from him at Dunkeld; if I did, it has escaped my recollection completely.

*Mr Hamilton.*—I shall trouble your Lordship with only one question more;—Whether Watt, in the interviews he had with your Lordship, did not ask of you, how he was to conduct himself, and whether he did not conduct himself in the mode that was prescribed for him; whether he had not offered to Mr Secretary Dundas, to give him the information that should appear to him to be important upon the occasion?

*Lord Advocate.*—In the way I came to be introduced to him, and knowing I considered him as a person giving information to government voluntarily, of what was going on, I considered him as a man of respectable character, in consequence of the inquiries I had made about it.

*Mr Anstruther.*—My Lord Advocate, if I understood your Lordship right, you said, the only information you thought material, you received from Mr Watt, was that which respected the soldiers which you have mentioned.

A. Yes.

Q. And that, I understand your Lordship to have said, upon inquiry, turned out, as far as you could discover, to be void of foundation.

A. It certainly did.

Q. Did I understand your Lordship right, when you said, that Mr Watt, in the month of March last, had made an application to you, stating, that some persons would make a disclosure, provided they could receive a sum of money?

A. In March 1793.

Q. That was not accepted?

A. I wrote to him, declining to do it.

Q. Have you had, to the best of your recollection, any letter from, or any meeting with Mr Watt, since the meeting of the British Convention that met in October 1793?

A. I mentioned already, I think I have not seen him, nor received

received any letter from him, since June or July 1793, and I was asked, if I received a letter from him at Dunkeld, to which I gave for answer, that I do not recollect having received any such; but I am positive, I have neither received any information from him, nor seen him since October 1793.

*Mr Anstruther*, (to the prisoner's counsel.)—Do you call any body else?

*Mr Erskine*.—No.

Mr HAMILTON then addressed the COURT and JURY, as follows:—

MY LORD PRESIDENT,

GENTLEMEN OF THE JURY,

The case that has this day come before you, is one more deserving of your attention, than any that ever, perhaps, was heard within these walls.

Gentlemen, it is a case of perfect novelty; for I can venture to say, that, though near one hundred years have elapsed, since the law of Treason in England and Scotland have been declared to be the same, (except in one case, relating to the established coinage,) the present is the first trial for that crime that has occurred in the criminal annals of this country.

It is a case, Gentlemen, of singular importance indeed; for, as it is the highest crime known in society, so it is necessarily attended with the most severe and deepest punishment.

Gentlemen, it is a case of blood, and you are, this day, by your verdict, to decide the fate of the prisoner at the bar; you are to determine, whether the gates of Eternity are to be immediately thrown open to him, or if he is to be allowed to pass the remainder of his days in peace, till the due course of Nature, and dispensation of Providence shall call him at length to the grave.

I have

I have been appointed, by the Court, counsel for the prisoner at the bar ; in that situation, I am bound to do him all the service that I can, and I can safely lay my hand upon my heart, and, as a man of honour, declare, that I shall do him all the justice that lies in my power.—It is a duty I owe to the feelings of my own mind ;—It is a duty which I owe to the profession to which I have the honour to belong ; and above all, it is a duty I owe to the prisoner before you, who has entrusted the defence of his precious existence to my charge.—I do not mean to make any apology for my appearance here ; but from the anxiety I must feel, in the situation in which I stand, I may perhaps be led into error, in more respects than one.—The prisoner may rest assured, that nothing shall be left undone on my part.—And I hope, that he will pardon me, if, from inability or inexperience, I shall say too little ; and I hope, Gentlemen, to meet with your indulgence, and with that of the Court, if, from perhaps a laudable anxiety, I shall say too much.

The crime charged is High Treason, an attempt to overturn the government of this country, the most important of all events, as it loosens the bands of society, and undermines all security. You, Gentlemen, who live under, and enjoy the blessings of this happy Constitution, can you suppose, that any one should attempt to cut himself off from such advantages ! where the road to prosperity and happiness, is laid open to all ; where the lives of the subject are not wantonly sported with ; but where security and stability exist, and I trust, ever will remain, as the desirable and ultimate object of all our wishes and desires ! No, Gentlemen, you will, from these circumstances, infer the strongest presumption to the contrary ; you will not imagine it possible, that the pannel, who has been living within the mild administration of this country, should strive to overturn its Constitution. It is not a thing you will lightly presume, but, on the contrary, you will require the strongest evidence that can be figured, of such a wild intention.



If I am entitled to lay hold of this, as one general presumption, I am equally well entitled to state another:

The crime, Gentlemen, charged in this case, is the atrocious crime of High Treason. But, when we look into the melancholy annals of our own history, where the crime of High Treason stains even the darkest pages of our criminal records, we do not find that such men as those now at the bar have stirred the mighty mischief. Often, too often, has the best, the noblest blood of our country from mistaken notions, streamed upon the scaffold; but never till now, have we heard of men of low pretensions, endeavouring to rear themselves into importance, by such unsuitable attempts; such, however, is the person now before you; you know his situation, and you will not easily presume, that he should engage in attempts, entirely out of his reach, and which his sphere in life cut off and deprived of all probability or possibility of success.

Gentlemen, the crime charged in the case is not (and I am happy it is not) a direct attempt upon the life of his Sacred Majesty. Had it been such, I for one declare I would not have appeared as his advocate at this bar; as I now stand I am bound no doubt to do as much as in me lies, in my capacity as an advocate; but had the charge been otherwise, I could not have so far disguised my feelings. I could not I avow have lifted up my voice to defend one who could either in thought or idea have meant to attempt the life of that gracious Sovereign, whom in a former period of my life, I am proud to say, I served, in what I shall ever esteem the most honourable of all stations. But the crime charged is of a different complexion. It is a charge of constructive treason, which bears not personally against the Sovereign, and which is only brought within the measure and compass of the law, if it is brought at all, by the most artificial and strained chain of argument.

It is indeed said in the indictment, and which was so ably urged and enforced by Mr Anstruther, who spoke so fully on this case, that the prisoner was guilty of "Compassing and imagining the death of the King." Yet notwithstanding the  
the

the high expressions of that honourable gentleman," and tho' he possesses as many advantages I can never hope to attain, having the knowledge of every particular of the law of England, and particularly that knowledge he has of the subject of this day, which he has urged so forcibly and so well, I shall nevertheless be bold enough to exert my best endeavours in controverting the doctrine he has been pleased to lay down.

I shall accordingly set out with what I take to be the law of this kingdom, as to that species of treason which falls under the indictment submitted to your consideration.

The indictment is laid upon the Statute of the 25th of Edward III, wherein it is enacted, " That the compassing and imagining the death of the King shall be High Treason;" but where only the imagination of the crime exists, and it can exist only in the mind, it is necessary that it should be manifested in some sufficient manner; it requires a sufficient indication and a sufficient overt act to bring it within the compass or intendment of the statute.

Gentlemen, I need scarce inform you that by the happy union of this country with England; the laws of England and Scotland with regard to High Treason are declared to be the same. This is by the VII. of Queen Anne, the intent of which you well know. But Gentlemen, I must get you to consider what the import of that statute is; it strikes me that this statute, which declares the laws of the two countries shall be one, has reference only to the laws as established by the statutes which constituted that law. It will be asked me by the bench as a grand leading proposition, why we argue upon a matter that stands already in so clear a light; the judicial proceedings of a Court, and a long train of practice which will establish it. Practice is no doubt in general the rule of decision in the law; but, I apprehend when the ground and foundation of that law, and especially in criminal cases, is a statute or statutes, you are tied down explicitly to the tenor and import of the words of such statutes; "*Judicandum est Legibus non exemplis.*" This I apprehend to be the legal rule, and therefore I consider



sider the law of the two kingdoms made one and the same, in so far only as the express enactments could apply in letter and construction. All that was demanded by the enactment of Queen Anne was that the law of High Treason, as expressed in the statutes then in force, should be adopted into the law of this country, and no more; more explicitly what I mean to say is this: that this country did not expressly adopt or give compleat and full sanction, even to writers I shall afterwards have occasion to mention to you, nor did it give up or implicitly go into cases afterwards regarded as precedents. The opinions of writers upon any science will no doubt be regarded, and the opinions of judges meet with due respect; but you are not tied down by them, you are to regard them if you please, but you are at the same time bound to consider, to weigh well, and use your own judgment and discretion to decide upon the law of treason as applicable to any particular case which occurs in this country. You are in fact to be bound by the words and spirit of the statutes, and not to regard all the former precedents quoted to you as the established law, not of this country but of another, whose statute I admit you have adopted, but whose opinion upon that statute you are at liberty either to chuse or reject. In short, so far as the statute 25th of Edward regulates the law of High Treason it is to be regarded, but you adopted only that statute, and not the whole of the law of England, opinions and precedents upon that important branch of Criminal Justice.

If I am right and successful in maintaining this legal proposition, there is an end of the present question.—For, if the words only of the statute are to be regarded as to compassing and imagining the death of the King, what must be the result? must not the facts charged have a direct tendency to endanger the King's person? must they not expressly indicate the worst of crimes? the endeavouring to seek or procure the death of the King? If that was the case, if the facts charged here amounted to such black and daring atrocity, there would be an end of the cause; but



this is not the case. It is not attempted to be said that the life of the King is, or ever has been the object of the present attack : it is not the compassing and imagining of the death of the King, directly with an intent to kill, but it is a constructive imagination only. It is not here a levying of war, that is treason independently and altogether, but the contriving and conspiring to levy war, which, in the construction that is contended for is endangering the life of the Sovereign, and thereby compassing his death. The words then of the statute appear in every sense that language can admit of to have a pointed relation only to an immediate design against the Royal person, and the overt act must shew that the mind had an equally definite, and certain relation to the accomplishing of such design.

Many authorities were quoted by Mr Anstruther who opened this case, and these were no doubt of high repute in the law of England, and made formidable mention of; many also were passed over which were equally well intitled to be duly regarded. Tho' I do not build upon them I am not afraid to investigate their import; I well know they confirm and support in the strongest terms the construction of the law of treason which I have hitherto contended for. One of the most antient writers on the law of England was entirely passed over, that is Lord Coke. I will take notice of him, as he is an older writer than any that have been taken notice of this day. I shall take the liberty to state his opinion, and I have no doubt but that it will have a good deal of weight in your minds on this occasion.

In his third Institute, page 9, he treats of the law of Treason, and takes notice of the present statute. By the common law, he mentions that a compassing or conspiracy to levy war is no Treason, for there must be a levying of war *in facto*; nor is this contrary to what the Gentleman said who spoke before me. Afterwards, in page 12, he mentions the mode of compassing the King's death, and how it is to be proved. "In this branch four things are to be observed; first, this word (proveablement) provably, that is,  
" upon

“ upon direct and manifest proof, not upon conjectural pre-  
 “ sumptions or inferences, or strains of wit, but upon good  
 “ and sufficient proof; and herein the adverb [provable-  
 “ ment] provably, hath a great force and signifieth a direct  
 “ and plain proof; which words the King, the Lords, and  
 “ Commons in Parliament did use, for that the offence was  
 “ so heinous, and was so heavily and severely punished, as  
 “ none other the like; and therefore the offender must  
 “ provably be attainted, which words are as forcible as up-  
 “ on direct and manifest proof. Note, the word is not  
 “ (probably) for then *commune argumentum* might have ser-  
 “ ved, but the word is (provably) be attainted.”

These are the special words to ascertain this crime, and  
 regard also the mode in which it is to be brought to punish-  
 ment, which shows how very exactly and critically that high  
 crime was in those days to be judged of and punished. In  
 the same treatise, taking notice of what he had before said,  
 and taking also notice of the same statute, he says, (p. 14.)

“ The composition and connection of the words are to be  
 “ observed, viz. [thereof be attainted by overt-deed] this  
 “ relateth to the several and distinct treasons before ex-  
 “ pressed, (and especially to the compassing and imagina-  
 “ tion of the death of the King, &c. for that it is secret in  
 “ the heart,) and therefore one of them cannot be an overt  
 “ act for another: as for example, a conspiracy is had to  
 “ levy war, (this, as hath been said, and so resolved,) is no  
 “ treason by this act until it be levied; therefore it is no  
 “ overt act or manifest proof of the compassing the death  
 “ of the King within this act; for the words be (*de ceo*, &c.)  
 “ that is, of the compassing of the death. For this were  
 “ to confound the several classes, or *membra dividenda et sic*  
 “ *de ceteris*.”

And he also mentions, “ And the wisdom of the makers  
 “ of this law would not make words only to be treason, see-  
 “ ing such variety amongst the witnesses are about the same,  
 “ as few of them agree together. But if the same be set  
 “ down in writing by the delinquent himself, this is a suf-



"sufficient overt act within this statute." In the passage I mentioned before concerning High Treason in the quotation I read to you, you will observe, Gentlemen, it is said expressly, that conspiring to levy war against the King shall not be deemed an overt act of treason within the statute; therefore it is clear by plain construction that this crime shall not be inferred. A conspiracy to levy war, is a high misdemeanor, and on account of the danger which may be the result, should be considered, no doubt, as a crime of a deep and serious nature, and should not go unpunished; but according to this author, who considers the point minutely, such a conspiracy, unless the war was actually levied, falls not within the statute. This great authority is the oldest we have, in the law of England as to treason, of any weight; he was Chief Justice in the reign of James I. at which period of our history, it will not be pretended but that as high and mighty ideas were entertained of the royal prerogative and authority as in any reign we know of.

Lord Chief Justice Hale was referred to by the Gentleman who opened the case in point of law, and I also hope, Gentlemen, that you will find him of some service to you in judging of this case; you will pay a good deal of attention to what that great judge writes upon the subject in his history of the pleas of the crown. This author was Chief Justice, and wrote in the reign of Charles II. and we know that in that reign, any matter which related to the prerogative would not be overlooked. The passage I mean to take notice of, is that which was read by Mr Anstruther, page 109, and upon which he rested as an authority in his favour. The words are, "Though the conspiracy be not  
 " immediately and directly and expressly the death of the  
 " King, but the conspiracy is something that in all probabi-  
 " lity must induce it, and the overt act is of such a thing  
 " that must induce it; this is an overt act to prove the com-  
 " passing of the King's death, which will be better explain-  
 " ed by the instances themselves, and therefore,

" If



“ If men conspire to imprison the King by force and a strong hand till he hath yielded to certain demands, and for that purpose gather company or write letters, this is an overt act to prove the compassing of the King’s death,” &c.

This passage, you will perceive, treats of a conspiracy against the King’s life; and though by this time, the writers upon the law of treason had begun to diverge somewhat from the plain and unequivocal construction put upon the statute of treason by Sir Edward Coke, still it is clear that the immediate personal danger of the Sovereign was the object in view. The passage I have read, points not to any strained and forced construction of circumstances from which the King’s life might be remotely put in peril, but refers positively and pointedly to such circumstances and situations where, the life of the King is expressly pointed at, and where his death could not fail to be the certain consequence. “ The conspiracy,” says he, “ should be of something, that in all probability must induce it, and the overt act is of such a thing as must positively induce the death of the King.” Here there is no straining or laboured construction, but a plain and positive direction which affirms what no one will deny, that a conspiracy to levy war, which in its effect must be immediately directed against the King’s person, or according to Lord Hale’s words, must induce his death, is High Treason. I will therefore rest upon the authority of this great author, for I think it is positive and expressly in favour of the construction which can truly be put upon the criminal laws of this kingdom.

Gentlemen, I am sorry to trouble you with so much reference to books, but I feel it necessary in this case, and the more so, as the law was very largely argued from them by the Gentleman who opened this case upon the part of the Crown. He took some notice of this writer, and I must observe, that this same respectable judge, in another passage, gives a most positive and direct opinion as to the expediency and propriety in giving a proper explanation and just construction

struction of the statute of treason. Talking of the 25th of Edward, and of constructive levying of war, he says, "These resolutions being made and settled, we must acquiesce in them; but in my opinion, if new cases happen for the future that have not an express resolution in point, nor are expressly within the words of 25th of Edward III. though they may seem to have a parity of reason, it is the safest way and most agreeable to the wisdom of the great act of 25th Edward III. first to consult the Parliament and have their declaration, and to be very wary in multiplying constructive and interpretive treasons, for we know not where it will end."

Serjeant Hawkins was referred to by the Honourable Gentleman upon the other side, and from what I could learn, and I could learn but very little, only from one part I learnt that "a conspiracy to levy war against the King's person may be stated as an overt act of High Treason." I have given all along what I conceive to be the true construction and meaning of the law, which this opinion of Hawkins perfectly co-incides with; it takes notice of the King's person, and only draws a conclusion when the person should be put in danger; and by mentioning the person without affinity or relation to Government or any thing else, it is a plain inference that he understood the statute meant to apply only to a case where the royal person is immediately and particularly in danger.

Judge Foster, in his excellent discourse on Crown Law, is the great authority referred to and relied on this day, by the Gentlemen on the other side of the bar, and though, perhaps at the first view, it may seem that he bears hard upon the doctrine I have been maintaining, as to what is or ought to be deemed an overt act of compassing the King's death in terms of the statute; yet, when more minutely examined, it will be found that this judge draws the very distinction I have been all along contending for. He draws a marked distinction between a conspiracy to levy a war immediately and directly against the King's person, or which



is the same thing, when the King's personal safety must necessarily and of consequence be endangered, so that he never loses sight of what was the original intendment of the statute. His words are (page 195) "The care the law hath  
 " taken for the personal safety of the King, is not confined  
 " to actions or attempts of the more flagitious kind, to  
 " assassination or poison, or other attempts directly and im-  
 " mediately aiming at his life. It is extended to every thing  
 " wilfully and deliberately done or attempted, whereby his  
 " life may be endangered. And therefore the entering in-  
 " to measures for deposing or imprisoning him, or to get his  
 " person into the power of the conspirators, those offences  
 " are overt acts of treason within this branch of the sta-  
 " tute."

Now, the truth and justice of this legal opinion cannot, nor shall it be denied; and what does it come to? It amounts to no more than what I have all along mentioned, that the law of treason, that branch of the statute which respects the compassing or imagining, had a relation only to such acts, attempts, or designs, as had a hostile tendency to the person of the Sovereign; and you will not fail to notice, Gentlemen, that all the cases mentioned in the passage I have now read, to wit, deposing, imprisoning, or getting his person into their power, necessarily imply immediate violence; and consequent danger to the person is then most properly regarded as High Treason, and will, I trust, ever be the law of this country.

In the next chapter, where he treats of levying war, the Learned Judge mentions what kind of insurrections and risings will amount to a levying of war within the statute, as also, when and in what cases a conspiracy to levy war for such and such purposes, though not treason within the clause of levying, is yet an overt act of compassing or imagining the death of the King. To the distinction here fixed, I must, Gentlemen, call your earnest attention; "Insurrections," says he, (page 211) "in order to throw down  
 " all inclosures, to alter the established law, or change re-  
 " ligion,



"ligion, to enhance the price of all labour, or to open all  
 "prisons, all rising in order to effect these innovations of a  
 "public and general concern by an armed force, are in con-  
 "struction of law High Treason, within the clause of levy-  
 "ing war. For though they are not levelled at the person  
 "of the King, they are against his Royal Majesty; and, be-  
 "sides they have a direct tendency to dissolve all the bonds of  
 "society, and to destroy all property and all government too,  
 "by numbers and armed force. Insurrections likewise for  
 "redressing national grievances, or for the expulsion of  
 "foreigners in general, or indeed of any single nation here  
 "living under the protection of the King, or for the re-  
 "formation of real or imaginary evils, of a public nature,  
 "and in which the insurgents have no special interest. Ris-  
 "ings to effect these ends by force and numbers, are by  
 "construction of law within the clause of levying war.  
 "For they are levelled at the King's crown and royal dig-  
 "nity." He then goes on to notice Benstead's case, where  
 an insurrection was raised to seize Archbishop Laud at  
 Lambeth-house, and which was adjudged High Treason.  
 Gentlemen, I call your attention to this passage, and I  
 request of you to consider whether some of the cases  
 there enumerated, do or do not very strictly resemble  
 the object for which a rising was said to be intended, as  
 charged in this indictment.

But, Gentlemen, you will observe that the learned judge  
 in the passage I have now read, is speaking of an actual levy-  
 ing of war, where an insurrection has been raised, and war  
 actually levied, which makes the criminality and brings the  
 cases within the statute; and in the very next page and sec-  
 tion, what are his words? "But a bare conspiracy for ef-  
 "fecting a rising for the purposes mentioned in the two  
 "preceeding sections, and in the next, is not an overt act  
 "of compassing the King's death, nor will it come within  
 "any species of treason within the 25th of Edward III.  
 "unless the rising be effected, and in that case the conspi-  
 "rators, as well as the actors, will all be equally guilty; for  
 " in

“ in High Treason of all kinds, all the *participes criminis* are principals ;” and he refers to the case of Damaree and Purchase, upon the trial of Doctor Sacheverell, which would not have been High Treason unless a rising had actually taken place. Gentlemen, this is a pointed and great authority, and I am well pleased with this opinion, for it suits exactly the case before you. It is not said that any war has been actually levied, but that there has been a conspiracy only to levy war. Gentlemen, you will judge if the existence of that conspiracy is made out by evidence, and although it was, although there was some appearance of some design to effectuate some kind of rising, sure I am, you will never believe or imagine that it was a war of the greater degree, directly tending to endanger the King himself, but, if at all, of the lesser species only, as distinguished by Foster, which never having been levied, amounts to no overt act so as to indicate a compassing of the King’s death in terms of the statute.

I am confirmed in the inference I draw from this evident distinction by the opinion of a great lawyer indeed, quoted to you by the Gentleman on the other side of the bar, Chief Justice Holt ; he was not one that wrote books, but he was one upon whose authority books have been written ; I will shortly take notice of the passage in his charge to the Jury on the trial of Sir John Friend, which bears on this case ; his doctrine is laid down in very strong, and I think, very clear and expressive terms, and applies most pointedly to the case now before you, so that you will therefore weigh it with sufficient attention. Taking notice of the argument that had been used for Sir John Friend, he says, “ here is  
 “ another thing that he did insist upon, and that is matter  
 “ of law. The statute of Edward III. was read, which is  
 “ the great statute about treasons, and that does contain di-  
 “ vers species of treason, and declares what shall be treason ;  
 “ one treason is the compassing and imagining the death of  
 “ the King, another is the levying war. Now, says he,  
 “ here is no war actually levied ; and a bare conspiracy or  
 “ design to levy war, does not come within this law of



" High Treason. Now, for that I must tell you, if there be  
 " only a conspiracy to levy war, it is not treason ; but if the  
 " design and conspiracy be either to kill the King or to de-  
 " pose him, or imprison him or put any force or restraint  
 " upon him, and the way and method of effecting these is  
 " by levying a war, there the consultation or conspiracy to  
 " levy a war for that purpose is High Treason, though no  
 " war be levied ; for such consultation and conspiracy is an  
 " overt act, proving the compassing the death of the King,  
 " which is the first treason mentioned in the statute of Ed-  
 " ward III. for the words of that statute are, that if any  
 " man shall compass or imagine the death of the King.  
 " Now, because a man designs the death, deposition or de-  
 " struction of the King, and to that design, agrees and  
 " consults to levy war, that this should not be High Trea-  
 " son, if a war be not actually levied, is a very strange  
 " doctrine, and the contrary has always been held to be  
 " law." Now, to this doctrine I most cordially subscribe,  
 for you will observe that this is the greater degree of war he  
 is speaking of, which the words he has used evidently shew  
 bears directly upon the King's personal safety, who by such  
 a war must either be destroyed or put in extreme danger.

He then proceeds to draw the distinction ; " There may,"  
 says he, " be a war levied without any design upon the King's  
 " person or endangering of it ; which if actually levied is  
 " High Treason ; but a bare designing to levy war without  
 " more, will not be Treason. As for example, if persons  
 " do assemble themselves and act with force in opposition  
 " to some law which they think inconvenient, and hope  
 " thereby to get it repealed ; this is a levying of war, and  
 " Treason, tho' purposing and designing it is not so ; so  
 " when they endeavour in great numbers with force to  
 " make some reformation of their own heads without pur-  
 " suing the methods of the law, that is a levying of war  
 " and Treason, but the purposing and designing it is not  
 " so."

Here,



Here, Gentlemen, do I close my legal authorities, for I am sure there is no occasion to close them with one stronger in my favour than that I last mentioned. It establishes expressly the distinction contended for of the *major* and *minus* degree of war, to levy which a conspiracy may be on foot; having done so I leave you to draw the conclusion, and I am confident you will not hesitate to think but that the case before you with all its circumstances clearly falls under the last of these degrees, and cannot therefore be attended either with conviction or punishment.

Gentlemen, you have, I believe, all the authorities on both sides before you, and as you are intitled to judge both of the law and fact, in this case I thought it a part of my duty to state what I thought applicable, that you might have at least both sides of the question fairly submitted to your own judgment and discretion.

It is said, Gentlemen, that compassing to levy war, must always be held as an overt act of compassing the king's death; but, Gentlemen, I cannot agree to this, for the construction which I apprehend is to be given to this statute of Edward third, is fortified by another argument of very great importance. It contains two species of Treason; it contains a compassing the death of the King, which is Treason of a most dangerous nature; and it contains also a levying of war against the King, which also is Treason; but if a conspiracy to levy war was sufficient to bring any one within the other clause of the Statute, the compassing the King's death, the making the levying of war also Treason, is an enactment perfectly superabundant and unnecessary; it being absolutely necessary that before a war is levied there be a conspiracy to levy that war. In this view then the Statute is absurd, and tho' short and most important, is yet in the very outset overwhelmed with inexplicable language and unnecessary redundancy. Gentlemen, I have a higher respect and esteem for the wisdom of our ancestors than to go into this idea. I don't think they would throw away their words in vain and without intending that they should have some

effect or meaning, yet according to the meaning of the clause which the gentlemen contend for, they have been grossly guilty of misapplying their words to no purpose. I cannot presume this, and I must on the contrary conclude that the legislature of England, at that time as well as in later periods, really understood that there was a distinct difference as to what was meant to be expressed in the two branches of the Statute, that they were different species of crimes altogether, and could not be taken by implication and strained construction to explain, aid and assist one another.

Gentlemen, the same opinion and idea is confirmed and powerfully strengthened by the consideration of one or two Statutes in subsequent periods. By the statute of 13th of Elizabeth, I dare say I have no occasion to read it, I will state what I conceive to be the import of it, but I stand under the correction of the gentlemen on the other side if wrong, by that act it was declared that a bare conspiracy to levy war of itself should be deemed High Treason. Gentlemen, did not this import the consideration, the construction, and understanding of the nation at large, and the opinion of the Legislature and sages of the law that made this Statute, that at that time a bare conspiracy to levy war could not be brought any how within the clause of compassing or imagining the King or Queen's death?

What occasion was there for that Statute if the law stood as it is now contended it does, that a conspiracy to levy war without any distinction, was a compassing of the King's death, and came under the Statute of Edward III? but this was under the view of those who enacted the statute of the 13th of Elizabeth, it was under their consideration, but still they thought it necessary to make such a law. This statute was only for the life of the Queen, so that on her demise, and upon that statute's expiring, the question reverts to what was the law before that statute was enacted; and this I have endeavoured, I think upon sound reason and construction, fully to point out. Again, Gentlemen, in the



13th of Charles the II. another statute was enacted similar to that of Elizabeth, whereby it was declared, " That  
 " whoever should compass or imagine to levy war against his  
 " Majesty, within the realm or without, should be deemed  
 " guilty of High Treason."

Here again the enacting of this law bears me out in this case as well as in the former; for it was understood and must have been acknowledged to be the law by our ancestors, and the lawyers both in the reign of Queen Elizabeth and of Charles II. that by the 25th of Edward III. a compassing to levy war was not High Treason, nor could fall under the spirit or tenor of the statute of treason.

Here also the same conclusion follows that act was only made for the life of Charles the II. so that having expired, the law reverts to that construction which I say it should have, and which according to my argument, it certainly had before these temporary acts were passed.

Gentlemen, I don't really think I am straining the matter too far, and God forbid that even in a case of death, which it must be if the prisoner is found guilty, God forbid, I say, that I should strain the matter too hard where a conspiracy it is said comes in competition, a conspiracy against the life of our gracious King; but from authorities I have been at some pains to discover and digest in my own mind, I do believe I am not pressing this matter farther than I ought. I have examined a good many precedents and cases which have occurred since the period I was talking of, but I will not refer you farther back, as I don't wish to engage much of your time, than to the reign of Charles the II.; and it appears to me, that wherever there has been an indictment upon the compassing and imagining the death of the King, there has always been a direct reference to some attempt upon the person of the Sovereign, or some relation to it in some circumstances, so that imminent danger to him must have followed from the measures pursued.

In the Rye House plot business, so well known in history, an attempt was made to assassinate Charles the II.; in that case,



case, there was no occasion for using any strained construction, or of bringing proof of any overt act, which, by inference might have perhaps accomplished the King's death ; there was a direct attempt against the life of the Sovereign, a violent attempt to cut off and assassinate him, but which however never took effect ; no doubt two trials followed those of Wallcot, Hone, and others, who were concerned in the Rye House plot ; I mean the trial of Algernon, Sidney, and Lord Ruffel. These were tried upon indictments for High Treason, and an overt act was endeavoured to be proved upon Lord Ruffel, that he had been in Conversation about the seizing of the King's Guards ; but that was held to be an overt act of compassing the King's death ; but you will not be led away by considering that case as a case of precedent in point of law, for we know well that the attainder and the proceedings against that noble Lord were reprobated and reversed in the next reign, and the ground of the reversal, both in that case and in that of Sydney and Armstrong, was the having flown in direct opposition to law.

The next case that strikes me, as having any relation to the present case, is that of Lord Preston, who, in the reign of William III. endeavoured to support the interest of the exiled monarch, James II.

Now, it is a fact, Gentlemen, that the chief charge, laid in that indictment, was, his having endeavoured to bring in the Pretender, for so James II. was then called. It is no doubt true, that the indictment was framed also, upon his having been guilty of compassing the King's death ; but this is easily explained, for there the direct effect which Lord Preston's attempt must have had upon the life of the Sovereign, was so obvious, that it would admit of no other construction ; it was to bring in James II. it was as much as to say, we will attempt to take away the life of the Sovereign, King William ; for there cannot be two Kings in this country, one or other must fall : so that in fact, it may not entirely have gone according to the judgment, which, by  
inference

Inference, was formed upon that fact; and, I do believe, upon looking into the record, it went upon the other ground, to wit, endeavouring to bring in the Pretender, and not at all upon the ground of his compassing and imagining the King's death.

The next great instance which occurred, was the assassination plot, in the reign of William III. you must be well acquainted with the circumstances. Those who were first tried, to wit, Charnock, King, and Keys, were accused of a conspiracy to assassinate the King; the indictment was laid upon an attempt to compass the King's death; it was proved there were positive and direct acts, in order to take away the life of the Sovereign, by compleat assassination; it says, it was by having that in view, only, and not any attempt against the life of the Sovereign, by constructive reasoning, or far fetched inference, which would at all times admit of dubiety. A good many cases were tried at the same time; to wit, the cases of Rockwood, Cranbourne, Lowick, Cooke and Knightly, but they all went nearly upon the same point: For in these, the indictment was laid, both on the plot for assassinating the King, and for adhering to the King's enemies, being then at war with France; so that, upon either branch, there was no occasion for any strained or artificial chain of argument. The case of Sir William Parkyns was precisely similar, and then it was that the opinion of Lord Chief Justice Holt, in the case of Friend, formerly noticed, made its appearance. That opinion, so far from militating upon my argument, confirms it; for, in that case, the indictment was laid, both upon compassing and imagining the King's death, and upon adhering to the enemies of the King, and it is well known, Sir John Friend had as nigh a connection as possible, with the persons concerned in the assassination plot; but, although that was not, perhaps, compleatly proved, certain it is, that in that case, there was a distinct ground of Treason, that of adhering, and corresponding with our enemies. And as to Sir John Friend, it was proved, that he had a commission from James II. and enlisted  
men



men for his service. This was, in fact, an attempt to levy war, against the interest of William III. It comes to the case of Preston and Ashton, where there was an intention to dethrone one party, which was to be done, by introducing James II. and it is clear, that had as direct a tendency to endanger the personal safety of the Sovereign, as can be brought, by fair construction, within that branch of the statute which relates to compassing or imagining the King's death.

Mr Anstruther took notice of a later case than any of these, the case of Christopher Layer, in the year 1722. This, I believe, has always been considered as a leading case, and certain it is, that it is by no means a short one.

This gentleman was indicted, 1st, for compassing the King's death; 2d, for an attempt to bring in the Pretender.

Now, as these were two grand conclusions, I am surely not tied down to conclude that it went entirely either upon the one or the other of the two charges; and one or the other, are equally and sufficiently broad to bring it within the measure of High Treason: Accordingly, the acts laid were very numerous, no less than five different acts were charged: That he conspired to stir an insurrection; to bring in the Pretender; enlisted men for him; published a treasonable declaration; and lastly, conspired to seize the person of the King. The conspiracy to bring in the Pretender, and the enlisting men for him were proved, so that here he fell within two clauses of the treason law, the bringing in the Pretender, and adhering to the King's enemies, and the charge of compassing, might be left out altogether: The publishing of the treasonable declaration, and conspiring to seize the King's person, were proved by Lynch the chief witness, so that here was a compleat case, nay, the compleatest of all cases, no less than a direct attempt to take away the life of the King, by seizing his person, an act which I must always continue, as putting him in such danger that death may soon be expected to follow; nor do I deny what is so well said by the learned Judge Foster, "that  
" between



“ between the prisons and the graves of princes, the distance  
“ is very small.”

I trust, Gentlemen, that these cases will have considerable weight upon your minds, in judging of that which is now before you; for though I have attentively considered the indictment which lies before you, yet I do not think it is such an indictment, as bears so exactly, or in any degree bears so much upon the personal danger of the King, as any one of those cases I have mentioned.—If there should be a defect in the law of this kingdom, I am sorry for it; and if it should be necessary, as in the 13th of the reign of Elizabeth, and 14th of Charles II. let an act be passed for the temporal life of the Sovereign, or let it be perpetual, declaring, that a bare conspiracy to levy war, shall be High Treason; let it be so, and in God’s name, let the lieges know which way the law is to go, that they may not find a precipice under their feet.—I hope and trust, however, that there will be no occasion for any addition to the voluminous penal code of this kingdom; for I am confident, that his Majesty rests securely in the bosom of his country, and requires no farther support, than that which I am sure he deservedly enjoys, the love, affection, and loyalty of his faithful subjects.

Having taken up so much of your time, Gentlemen, in stating what I conceive to be the law of Treason, as applicable to this case, and the particular view you are to take of the construction, allowed to be given to the indictment, which has been preferred against this man, I now call your attention to the construction you are to allow your minds to give to the import of the evidence that has been given this day; and in doing so, I shall endeavour, not to trespass much farther upon your time or patience.

The accusation contained in the indictment, in order to make out the proposition, that there has been a compassing and imagining of the King’s death, seems, according to my ideas, to resolve itself into four heads. That there have been means used, and actual measures taken, in order to raise and establish a Convention, inimical to the present government of this kingdom. That a conspiracy has been also entered

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into, by certain persons, the prisoner being alledged to be one, for seizing the Castle of Edinburgh, for fighting with the forces, drawing them out of the Castle, and putting them in such a situation as to get an advantage over them; and for seizing the Judges, Magistrates, the Banks, and Excise Office in this place. Another charge is, for publishing addresses of an inflammatory and treasonable tendency, to draw off the attention of the foldiers from their duty, and stir up mutiny among them. And the last is, having taken measures to provide arms, in order to carry these proceedings into effect. In the outset of this case, much evidence was brought forward, relative to what took place in London some time ago, in a society called the London Corresponding Society. That evidence, all along, appeared to me, totally unconnected with the present question, but when objected to as such, it was then avowed, by the Gentleman who opened the case, that it was done, with a view to connect the prisoner at the bar with the proceedings that took place between the London Corresponding Society, and the British Convention here. I am satisfied such was the intention, but at the same time, I find I have no occasion, and shall therefore take no notice whatever, of that society, nor any of their proceedings: Let their intentions be as wicked as what that Gentleman may figure them, it is of no consequence to my argument; for I say, no connection whatever has been established between that society and the prisoner at this bar, and the mode in which it was attempted to be made out, as clearly, nay, still more clearly shewed, that the measure had failed. We mean, say they, to prove a connection, betwixt the London Corresponding Society, and the prisoner at the bar, by means of the British Convention in Edinburgh, and evidence was led to make out this proposition. That evidence, however, made out no such point; on the contrary, it at once established, that the prisoner, Mr Watt, never was, or had been a member of the British Convention at all. It is needless, therefore, for me to take notice of any thing that took place in respect to the London Corresponding



Corresponding Society, or of any correspondence or communication that was carried on betwixt that Society, and the British Convention at Edinburgh, for with that Convention, and its measures, whatever they were, he had no connection.

When the British Convention was put an end to in the close of the year 1793, it has been said that on the back of that, there arose other meetings, and that the private societies were not only more numerous than before, but they were also better and more punctually attended than ever; that there then arose two several meetings, the one called a Committee of Union, out of which was formed another, called the Committee of Ways and Means; and it is stated that the prisoner at the bar was a member of both, and having been at one and the other of these meetings, is to be implicated in all the guilt which can be affixed to their proceedings.

Gentlemen, I shall not I trust be long in stating what I conceive to be the import of the evidence laid before you upon that head, and I shall do it the more readily, as it is a duty incumbent upon me for the satisfying of your minds, as well as of my own. But what was attempted to be carried into effect by these two meetings, the Committee of Union, and the Committee of Ways and Means? We were told in the opening of this case, that it was to seize the whole power of Government into their own hands, and to mould the law into their own form and shape. This is the mode in which this point was opened in the outset, but I do not find any support given by the evidence, to such a high strained and overbearing hypothesis. I see no evidence of there being any danger whatever of such a design. This supposition, however, was endeavoured to be supported by proving an attempt to seize the Castle, the Excise office, the Banks, the Magistrates and Judges; still, however, I do not find any evidence that brings the actual attempt for seizing of the Castle home to this gentleman. There was an account given no doubt, that this



gentleman had brought forward some kind of plan of that sort, but the witnesses for the Crown, both Mr Bonthron and M'Ewan say nothing that can be construed into a plan of that nature having been agreed upon, digested and put in train, so as to be carried into ultimate effect. If it could even have been mentioned at all, it is impossible to conceive that the practicability of so absurd and ridiculous a plan could have entered into the head of man. I have taken down what was said when this strange plan was talked of; Arthur M'Ewan said nothing particular was said about seizing the Castle, and no time was mentioned when it was to be done. Now, if this had been an established plan, would not something have been done in order that it might actually be carried into effect? some time would have been fixed, some measures taken, and some preparations made, but there is not one witness to speak to an allegation of that nature: all that they point at is a conversation about such a plan, if it was thought it might be practicable, and if its success and effect depended upon its practicability, I am sure it could have no existence whatever, even in the most visionary imagination.

According to my understanding of the matter, I conceive it was meant never to be carried into execution, it existed only in the most speculative form imaginable, if at all, but there was no system or correct plan laid down, no particular act proposed, no means prepared, for that extravagant wild scheme that is brought into evidence. In this evidence of Bonthron's, he takes notice of his having been at the Sub Committee, which I understand to be the Committee of Ways and Means, consisting of Watt, Downie, Stock, Fairley, Burke, M'Ewan and himself, in all seven persons: That he never heard Watt propose any plan about seizing the Castle, but heard him, says he, make some kind of proposal, but does not say (and I will stand corrected by the Gentleman that has taken down the depositions) he never heard him propose any plan about seizing the Castle. Is not this conclusive that there was not in fact any serious determination

to make such a rash attempt ? it appears conclusive that there never was such a proposition, and you must of course lay it out of your minds in weighing and judging of this case altogether.

It is also said an attempt was to be made to attack the King's soldiers, a party to be at the Luckenbooths, and a party at the West bow. From this gentleman's evidence (Bonthron) a witness for the Crown, whose name I would wish you to take notice, I perceive is more frequently mentioned in all the meetings that took place than that of any other of the members, so that he must know the amount and sum total of every thing that was talked of at these meetings; he tells you hardly any thing at all about attacking the soldiers: he tells you of some kind of wild scheme of kindling a fire at the Excise Office, and that this would naturally draw out the soldiers to extinguish the fire, so that an opportunity would be given to carry on the dangerous scheme intended. This would bring the soldiers from the Castle, and then he supposes (he is a gentleman that makes many suppositions) the soldiers being drawn out of the Castle, perhaps the party he belongs to would take a part in the proposed scheme. Gentlemen, it will not be pretended to be said, that taking a Castle by force or without force, are one and the same thing; if they found this Castle empty, they might be entitled to go there as well as to any other place. This would not however have been a levying of war, for the only characteristic quality of levying war, being using force, and in this case it is clear there was none used, nor any such thing either done or proposed to be done; but only an intention, it is said, of a conspiracy to seize the Castle (I have it from his evidence) not to be done, if such a mad scheme were ever in agitation, by force; and he expressly says he heard nothing, nor knew nothing of attacking the King's soldiers at all.

Therefore, Gentlemen, I have a right to call upon you to lay out of your minds altogether that rodomontade scheme, if it ever existed, of seizing the Castle. Could there be a  
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more ridiculous absurdity than supposing the possibility of such an attempt ! In order to accomplish this mighty effort of human strength and ingenuity, the only force is seven men. With seven men to seize one of the strongest Castles in the kingdom ! I see no more produced to you by the evidence than seven men ; these seven men, who compose the Committee of Ways and Means, meet, and then they lay their wise heads together, it is said, in order to lay hold of the Castle of Edinburgh. It is too absurd a scheme in fact to be got over, or to come into the heads of men to conceive. It was so absurd and ridiculous, I am surprized it could be laid in this indictment. And then, Gentlemen, be pleased to consider what is the evidence brought forward of this mighty conspiracy ? Who are the witnesses who spoke at all to this strange confused and inconsistent scheme ? The witnesses which the Crown entirely relies upon are Bonthron and M'Ewan, who are supposed to be accomplices in this intended conspiracy. They are both *participes criminis*, if there has really been any crime in contemplation, and on that account not intitled to or deserving of any credit in your minds. If again there has been no crime committed, if no scheme of this nature ever was in agitation, they are still less to be credited ; for they have so far volunteered in the mysterious story, that they cannot now with any consistency entirely fall back from the strange tale, absurd and unaccountable as it turns out to be.

But, Gentlemen, I dread not their evidence, some of these are not very ready in their story, and tho' in a situation where they have no interest to be very delicate, either in evasion or in concealment, yet when interrogated and desired to speak out boldly, they tell you they cannot positively say, or they cannot tell, they suppose so,—but their depositions are even more favourable to support my argument, for they positively say they never saw any scheme that was proposed or agreed to be put in execution, or any attempt made to carry into effect the mighty project of seizing the Castle of Edinburgh.

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A great deal of evidence was produced as to a supposed conspiracy for seizing of the Banks. I need not trouble you, Gentlemen, with recapitulating that evidence, nor with what related to the seizing of the Excise Office which stands precisely in the same situation. But I do maintain, that if this case is to be brought within the description of a conspiracy to levy war against the King, which is thence said to be an overt act of compassing the death of the King; I have nothing to tell you more than that the actual seizing of the Banks would not be levying of war according to the law of England. The Banks are the private property of individuals, and a burglary of a dangerous and aggravated nature might have been committed. The injury in such a case might to some individuals be greater than to others, but I trust that it never will be laid down for law, that the seizing of the Banks or open attack of any such building or repository, or any other building of a private nature would be a levying of war. It might amount to a riot, and if it was done secretly to a burglary, but no more. But the case is a thousand degrees stronger, for it has not been said, that any attempt or attack was actually made upon the public Banks; no, Gentlemen, no such thing has been alledged; it is only said that there was a conspiracy or design to seize the Banks, but which you well know never was carried into effect.

How then does the question rest, even upon the Crown's own supposition? There is the intention to do an act which had it been done would have been so far criminal, but which it is agreed never was effected; without going farther therefore it is enough to say that there is not the slightest resemblance of a criminal act before you, far less such an one as would tend to establish and fill up the deep accusation of High Treason. I need not I am sure, Gentlemen, labour this which is so clear a point any longer, but the same observation was made as to the design to seize the Excise Office, and the same observation in answer precisely applies. It is the King's House no doubt for a certain branch of his revenue

revenue, but it is not a place of strength belonging to the King. I am equally strong here, the positive attack upon such a house, upon such a repository, could not be levying war; and although it was proved, it will never bear the construction intended to be put upon it in order to make out the case which is a case of High Treason. It does not appear to me there is any proof to shew any such intention as seizing either the one or the other of these two public buildings, so that whether the fact is admitted or denied, the legal conclusion is in either case, equally strong in the prisoner's favour.

Much was said of a design supposed to be connected with this alledged plan, and of which the witnesses speak equivocally, that is, a design to seize some of the very Honourable Judges upon this Bench, and the Honourable Chief Magistrate of the city. I am sure I should be extremely sorry if ever the slightest harm came to any one of these honourable persons; it would give me, I am sure much pain; but I am speaking of a case of law, and I must observe in point of argument, that an attack upon any one of the honourable Judges or Magistrates whom I now see before me, would not, though attended with force, amount to an act of High Treason. We know well that any violent attempt upon the person of a judge by the Statute is High Treason, but only when sitting in judgment. But if not sitting in judgment, then it is clear that tho' attended with even the most fatal consequences, which God for ever deprecate, it would not be an act of High Treason. If the actual perpetration of such a crime would not have amounted to a charge of High Treason, far less can the bare design to make such an attack as might be attended with fatal consequences, be deemed according to the construction of law an act of High Treason. But the case is infinitely stronger, for the attempt was to do what? It was to seize the person of the Judges and that of the chief Magistrate of the city: this is a degree immensely remote from the crime of High Treason, and tho' deserving of exemplary punishment, if  
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it had taken effect yet would not fall within the description of a crime of that heinous nature. But this is not all, for it was only said there was a conspiracy to seize the persons of the Judges and Magistrates, not that any actual attempt was made to seize them. What then does this accusation come to? It comes to nothing at all; it is frittered down to the most harmless accusation in point of law that can be figured to the supposed conversation about doing what would have been a misdemeanor, but which never either was effected or attempted to be carried into effect. Upon this I need say no more, for whatever evidence might be brought upon that charge, it is one that cannot weigh in your minds in the present shape of this Indictment, it must have been brought forward in a different form and shape, and not upon the face of this Indictment which is the only one for your final determination.

Gentlemen, you have heard much of the instruments that are now before me upon the table; they have been tumbled, held up and brandished about in order to convince you that there was here a dangerous conspiracy lurking in the bowels of the country, which might in its tendency and effect deprive us all of life; and in order to make this out, these weapons were brought forward and laid upon the table and evidence brought of the persons by whom made, Orrock and Brown, and of the persons by whom they were ordered. Gentlemen, in the outset, I would require no more to shew you the absurdity of rearing any argument upon such a supposition than this, that but a very small number of these weapons, dangerous as they may appear to be, and every weapon of that sort appears dangerous to those who are unused to look at them: but if I can make it appear that this is all false apprehension, and I trust I can do so, these instruments will not give the alarm they did when first brought into this Court. It was said but not clearly established, that Watt went to Orrock and desired him to make one or two of a certain construction, and these being done then a few more; and that Brown made some others; but what does the



whole number of these dangerous hostile weapons amount to? even with all the attention paid to find them out, and I am sure the Sheriff has used the greatest attention to find all that could be found, how many are produced? about 46 or 47 pikes, not I am sure 50, and these were to be put into the hands of how many men? I have paid all the attention to the evidence that was possible, and I have been able to discover only seven men that are alledged to have born any chief part in this conspiracy; I cannot find upon recollection there was any evidence produced so as to make you believe there were more concerned in the plot than that number, yet every thing however was to be accomplished and atchieved by these seven men, armed with 47 pikes. Gentlemen, you have seen before you this day those seven conspirators, and it does not strike me that they bear any resemblance to those heroes of antiquity which we read of in romance, and who might perhaps, in days of yore, have been able to accomplish such a wonderful adventure; yet these seven champions were to perform wonders, they were to use forty-seven pikes, and with these were to take the Castle of Edinburgh; with these forty-seven pikes they were to way-lay all the foldiers who were to be marched out for fear of some fire at the Excise Office; then these seven men are to secure the Banks, and with these forty-seven pikes are to lay hold of the whole Government of this country; nay it was to be carried to a still greater extent; they were to usurp the management of the whole kingdom, were to lay waste, if resisted, the whole country, were to change the King's ministers, force him to alter his measures and to make peace, besides every thing else which they should require. Now this clearly appears to be one of the most absurd inconsistent stories that was ever heard of. I need do no more than state it, taking it as stated by the evidence, to convince you it never could be a scheme that could have any tendency to success; and if they could not excite the people to run their heads into danger on a mad scheme that could never be carried into effect, what had they to hope? Here it appears that the evidence on the part of the crown

is extremely lame; for notwithstanding all the discoveries that have been made, these forty-seven pikes are the whole that are to be found. I leave it to you to judge how it can be supposed these arms were meant and intended to be applied in the advancement of these hazardous attempts of this Committee of Ways and Means. It is impossible for a moment to believe that they were provided for, or even meant to be used in the wild scheme so often mentioned, if ever such a phrantic proposal had any existence. No, they were most certainly provided for some other purpose, and here I will direct your attention to what the witness Aitchison says; he is a man of a good deal of knowledge, he is a witness for the Crown and is not to be impeached; I hold him to be a good witness, and he says he thought they were well advised in procuring some arms; some people it is true were not fit to be trusted, but he thought it fit to procure some arms to prevent an assault by a foreign invasion, or otherwise. Would to God, Gentlemen, that the happy situation of this country was such that every one might be trusted with arms in his hands or in his house! We might then be a National militia altogether, we might do without the fatigue and expence of a standing army, and exist in security and mutual confidence with one another. But, it is said, these people are not fit to be trusted with them, perhaps it may be so, perhaps not, but such, says Mr Aitchison, were the purposes for which these arms, if obtained, were to be applied.

I have endeavoured, Gentlemen, to give you what I conceive to be the true and just notion of this supposed plan of this supposed Committee of people, met, it is said, and framing a conspiracy to overturn the government of this country, and you have heard what it was said to be by some of the witnesses I addressed, and from their description you will judge of its practicability, and if it really ever did exist, either in idea or in contemplation. But I say there is not evidence before you to shew that there was an attempt of that nature that ever was intended to be carried into effect.



I know the right honourable Gentleman on my left hand will put it, and the other honourable gentleman did put it, that this scheme, had it been forwarded, was a levying of war; but altho' that might perhaps have been the case, had the matter been pushed on, as these Gentlemen say it was intended to be pushed, yet the rude, undigested, wild and absurd scheme, of which there is no doubt some mention made by the evidence, was nothing that could be called a conspiracy to levy war; it might be called by some name of inferior degree, that might in time perhaps rise up to something of a dangerous description and tendency, but in the way in which you now must view it upon the evidence, it can not be called such a conspiracy to levy war as to fall within the statute, and subject all that are principals or accessories to the dreadful pains and penalties of High Treason.

Much has been said of an address or hand bill, which it is alledged was artfully and insidiously circulated among the fencible regiments of this country, in order to draw them from their duty and allegiance, and a strange attempt has been made to trace this transmission and circulation to Hardy, a serjeant of the Hopetoun fencibles. But, Gentlemen, it appears that it is impossible to trace this publication, whatever its tendency may be, either to Hardy or from the prisoner at the bar; and I have not yet begun to take notice of its tendency, but whatever that may be, it is nothing to the prisoner at the bar, as it is not brought home to him in any one shape. The only evidence upon this point, is that of William Watson, who tells you a story with respect to a hand bill or paper containing such an address, and wishing to see it, goes with Downie, who says, perhaps I may be able to procure you one; he does not seem to be very certain about it; when he is shewn Watt at the bar, and asked if he knew him, he says he could not say he did, or if that was him; he then goes to his house and Mr Downie with him. I don't know, however, that it was Watt, I don't go upon the supposition it was not him, but it might be another; but as to the alledged conversation between  
Downie



Downie and Watt about it, I see no evidence whatever. Downie turns his back and comes out and takes Watson up to a shop in the South Bridge, to the shop of one Kennedy, and he says I will get you one ; but very cautiously, Downie throws some of them down upon the floor, and says, " take up one ;" Watson accordingly takes up one and gives it to one Johnson, who it seems gives it to one Sandilands, and he gives it to a serjeant Hardy. This is the chain, but there is no proof of any connection that the prisoner had with these persons, not even of this man Watson's getting it from him. He gets it, I will prove by a strict legal *alibi*, he gets it from Kennedy by means of Downie, then it goes to the hands of Johnson and so to serjeant Hardy. He does not tell you what he did with it, he might put it in his pocket or destroy it. As to the serjeant, I must suppose him, being a non-commissioned officer, to be a good soldier, and if so, he would not, I am sure, circulate a paper which might create a mutinous spirit in the corps, and accordingly he tells you in express terms, that this was the only one of these papers that was seen, and I am pretty positive as to that, nor will it I believe be controverted.

But although I were to allow this had been a hand-bill of the most dangerous tendency and inflammatory nature, is it meant to be said by the Honourable Prosecutor on my left hand, that this is treason or a sufficient ground to make out the case of a conspiracy to levy war ? I will venture to say, it cannot be considered as a thing of that nature. I have read the address, and I will again make bold to say, it is a very complete and well penned address to excite that regiment or any other regiment into mutiny ; mutiny, I well know, is by the mutiny bill punishable with death, but this is not mutiny, and though I have no hesitation in saying, that an attempt of this nature is at all events a high misdemeanor, and punishable in a most serious degree ; yet I know of no capital punishment that could be put upon that attempt ; I know nothing like it in any law whatever, whether civil or military, that can draw on the dreadful consequence of High  
Treason.

**Treason.** The exciting soldiers to desert, is a crime that would meet with an exemplary and fixed punishment, and I would have no hesitation to say, it is entitled to meet a very severe punishment ; but it is clear this address or hand-bill is not pressed upon them in any conclusive manner, in fact, in no manner whatever ; for it is lost in the outset, in one or two transmissions, and never heard of again ; therefore it can have no weight with you in making any proof, or of aggravating the charge laid in the indictment.

Gentlemen, much stress was laid upon what also seemed to have been a part of this proposed plan, which it is said, was to be attributed to the unfortunate prisoner at the bar, after they had seized the Castle and public Banks, and the persons of the Judges ; this was in publishing some declarations, enacting laws and taking upon themselves the powers of Government and of Legislators ; that no person should leave the town under pain of death. All the absurd tenor of this scheme, if there ever was such a scheme in existence, is it not all of a piece ? Who could suppose such a wild Don Quixote scheme as that of seizing the Castle and all the other consequences, and is not this one in every respect tinged with the same absurd complexion ? I shall not trouble you with further observations upon it. If the seizing of the Castle was in fact suggested, they never could be supposed to be in earnest upon it ; if there is that absurdity upon the face of the plan spoke to by their own two witnesses, M'Ewan and Bonthron, the detail of their own plan is still less worthy of meeting with any degree of credit and belief from you. I have so far endeavoured to shew you that the evidence on the part of the Crown has not filled up the measure of the facts charged in the indictment, and if I have succeeded in that, my case is good ; because I succeed equally by a failure on the part of the Crown, as by establishing any defence of my own ; and if I have done so, I think, notwithstanding all the suspicious circumstances in this case, I must ultimately prevail. That there are some suspicious circumstances in this case, I have not the least hesitation to  
acknow-



acknowledge; but at the same time, I will take it upon me to affirm, that they are not such as will allow you, Gentlemen, thinking with serious deliberation upon the result of this man's actions, that he should be guilty of such attempts, or his mind bent upon such purposes, as could be construed into any act of conspiring to levy war, for the purpose of overturning this truly blessed, happy, and long established Government.

Gentlemen, I rest not here, and you might perceive from the evidence in exculpation of this man at your bar, that he stands in a different situation from any other prisoner; and though you were to conclude that all these matters he is said to have done and acquiesced in are true, and that they were to be aggravated to every degree of apprehension and danger in which you can figure them; though all those matters were fixed perfectly by proof; I say, he stands in such a situation, as in my idea, must render him safe. It is an established principle of law, that it is the *animus* with which any person commits an offence or accedes to it, that is the test whether such act is criminal or not.

Now, I say, the situation in which this man stood, was such, as notwithstanding of the appearance of external circumstances against him, was sufficient to excuse him from all the participation he seemingly took in the measures of those with whom he was apparently connected, if you should think, which I by no means concede, that these measures were in themselves criminal and deserving of punishment.

The Right Honourable the Lord Advocate's evidence and that of Mr Clerk the Sheriff, establishes completely the situation in which Mr Watt stands. Though that evidence relates to a correspondence he carried on in the outset of matters, when disturbances began in this country, yet it will be found, he was all along faithful to that cause in which he had embarked. Mr Henry Dundas's letter he has produced, in answer to one which he wrote him in September 1792, and it was admitted on the part of the Crown, most handsomely, to be that Right Hon. Gentleman's writing and subscrip-



subscription. This letter then under the hand and seal of Mr Henry Dundas is now before you, wherein Mr Dundas desires Mr Watt to persevere and to proceed in those measures he had held out he would do; that he would be doing well of his country, and that he would be in perfect security in following them up. This letter of the Right Hon. Secretary, was in every respect a proper letter; it was the answer not only of a statesman, but of a man; it neither rashly rejected information, which might perhaps be attended with advantage to the country, nor did it betray any anxious apprehensions or unseemingly eagerness for a continuation of the proffered intelligence and correspondence. Upon that letter Mr Watt relied and followed the line of conduct which that letter prescribed, and this account is supported by the evidence of the Right Hon. the Lord Advocate, who was so obliging as to give information upon the matter; he says, in consequence of a communication with Mr Dundas, who mentioned this matter to him, and he desired him, when he went to Scotland, to inquire him out. The Lord Advocate and Mr Watt have accordingly had several different meetings; Mr Watt gives his Lordship information upon several particulars, which the Lord Advocate himself says were facts of importance, and upon which his Lordship took such measures as the importance of the case seemed to require and dictate. Mr Watt accordingly fairly enters into this correspondence with the officers of the Crown, and I am authorised to say, continued in it; and if so, I am equally well authorised, I think, to presume and be believed, when I state to you, Gentlemen, that he had not deserted this line of conduct, nor had taken up any other line which stood in opposition or contradiction to it. In the situation Mr Watt stood, he had not surely nor ever had an intention of deserting that line of conduct he had chalked out for himself, nor will it easily and rashly be presumed, that he had changed his mind, and had fallen back from that chain of correspondence and communication,

which

which I have proved, was established betwixt him and the Honourable Secretary and the Lord Advocate of this country.

Gentlemen, I state to you, simply the fact, as I am desired to state it, and you may perhaps be nevertheless inclined to conclude, that this Gentleman's professions and story, are contradicted by that line and chain of conduct he has ostensibly, and apparently subsequently pursued. But this, Gentlemen, is what I cannot possibly allow: For, when I find that a man is fairly embarked in a particular line of conduct, I must suppose, that he follows that line up, more especially, when you find circumstances so strong in that situation, as to preclude any idea whatever of his having betrayed his trust. You must not, therefore, be led away by external appearances, nor are you entitled to conclude, that a person, in that dangerous and delicate situation, is not acting with strict fidelity merely, because he appears under negative colours, and gives no positive and active indications of the sincerity of his conduct.

But this argument, Gentlemen, is to be carried still farther; for, though I should discover such a person to be acting, to all appearance, in manifest and direct opposition to his secret professions, yet I am not, from thence, entitled to conclude that he has made an absolute and total desertion. The very reverse holds; for, let it be supposed, that the unhappy times of the rebellion in the year 1745, and 1746, were to return to this country; and suppose, that it was necessary or expedient, that one of the royal army should intrude himself into the enemy's army, in the character of a spy, how, I pray you, was he to discharge his duty as such, with effect to the party he meant to serve, and safety to himself?

There is but one, but one mode and line of conduct, in following which he could be of any service, and that is by disguise and deception; no otherwise could he be of any advantage: for if ever he appeared in his true character of an enemy, it cut him off from all confidence, and rendered



him incapable of gaining any intelligence in the capacity of a spy, which it was intended he should act in. For such a person, therefore, it would be necessary, not only that he should abandon all appearance of connection with his own party, but that he should even adopt, and go into every measure of that party he was employed to watch. He would be obliged to enroll himself in the corps of the adversary, to forego his own distinction of dress, and adopt theirs, as the only means of safety from detection. An adverse case to this has occurred within my own remembrance; it was by failing to take these necessary precautions, that an honourable Gentleman, and most valuable officer, with whom I was well acquainted, was laid hold of, as a lamentable instance of severe punishment, and at length suffered a cruel and ignominious death.

You must at once, therefore, Gentlemen, perceive, and it surely does not require much illustration, that in order to act with effect, in a situation of this nature, it is necessary, seemingly totally to desert and abandon that cause which he had really at heart; and suppose a man, engaged in such an adventure, was to be found in the situation described, in the uniform of an enemy, and even in arms, that would no doubt be a strong case, a very strong case, and one wherein there would be much ground for suspicion of fidelity; yet strong and even strange as it would appear, it would not be sufficiently strong for you to presume that he was acting deceitfully; but, on the contrary, you would be tied down to believe, that he was still acting in character, as that particular situation, in which he was found, was the only one that could enable him to follow up the line he was in, and give that effectual service which was intended. Had such a person appeared in any other description or character, he then unavoidably lost the opportunity of doing that service, and of following up that duty he was strictly bound to discharge.

This, Gentlemen, is a strong case, but it strictly applies to that which is now before you, strong as it may be put. It

was



was admitted by the Lord Advocate, who said he believed the prisoner was such a character as could be relied on, that at the time he was in correspondence with him, he believed him to be sincere. Can you, Gentlemen, suppose, that without any cause, he was led away by evil-disposed persons, and adopted another line of conduct? You are not, nor can you suppose that he was so. He apparently followed, what was the only line of rendering service to the cause in which he was engaged; and he was to follow this up, and then to take an opportunity of disclosing, when the effect came near to a dangerous tendency. You are not to suppose a person in that situation has abandoned his former trust, and I say, that as long as there is no open and manifest declaration upon his part, he is to be presumed faithful in that trust.—This correspondence with these honourable persons, is carried on, as late as July 1793. Then comes the manner of stating the proceedings of the British Convention, which were openly published in the Edinburgh Gazetteer. It is well known their proceedings were never kept secret, or concealed, so that, for this period, from July till December 1793, when the Convention was dissolved, nothing was carried on of a secret nature, which he could give information of. The Convention is dissolved; and then, it was resolved, soon after, to wit, on the 5th of December 1793, as appears by the evidence and information laid before you, to form this Committee of Union, and immediately subsequent thereto, the Committee of Ways and Means is raised up, sometime in the month of January 1794. Their proceedings accordingly go on, and Mr Watt shewed that very same inclination of following up the intention he set out with; he became a member of both, of one and the other of these committees, and though perhaps, he did not in fact, yet I have not the smallest doubt to say, it was his intention to give the necessary information, when the proper period for doing it should occur. If there had been that conspiracy actually existing, which is pretended, he would then most certainly have given that information in due and pro-

per time, to the rulers of this country, that they might take advantage of it, and be prepared; he would, in that case, have given all the insight into this strange and mysterious plot, that would have been required, had such a plot really had any existence, or had it occurred to him, that the proper period was arrived, when the secret should be divulged.

If, Gentlemen, you can possibly conceive any thing more absurd than another, it would be this; if there is any thing more irrational than another, it is the conclusion you must draw as to Mr Watt's conduct, upon the forced supposition that he was not acting with fidelity. If you give belief to Mr Watt's situation, then I state to you, that he was known to the public officers of the Crown, as one who was in their employ and service, as one who secretly paid attention to the matters which were going on, and who gave information to the rulers of this country, when time and opportunity served. Persons of that description have in some instances endeavoured to conceal themselves with secrecy, and may perhaps have succeeded. But he was a person that was well known, and could have no hope or expectation that he could betray his trust without the attendance of a great and dreadful consequence as the ultimate result. What temptation had he, therefore, to play doubly false? did not every motive whatever incline him to be true to his employers under government, and what inducement had he to act otherwise? He was known to the officers of the Crown, as well as the situation in which he was acting. Can you, therefore, Gentlemen, suppose, that with a millstone about his neck, he should voluntarily, and without any temptation whatever, sink himself to the lowest pit of ruin, disgrace and death? No, Gentlemen, you cannot; even for a moment, indulge such a rank supposition; unless he had been compleatly insane, he could not possibly have acted in this manner, it was so absurd, so strange, and past all human belief. Had he really meant to act in this irrational manner, he must be perfectly mad. "The fool in scripture who scatters fire

" brands



"brands and death, and sayeth am I not in sport," was a wise man to him, or to any one, who without any earthly object could foolishly consign his fame and existence to utter and certain destruction. If this gentleman, in short, had possessed one particle of sense, he could not possibly have acted as it is pretended; the presumption is so strong, I hold it so conclusive, that I do in fact think there cannot be any thing more said upon it; and I do say farther, that it will turn out to be a matter of extreme danger, if this man is to be abandoned to his fate.

Gentlemen, I have some idea that this unfortunate and unhappy man has been deceiving himself, and that he did not openly make a full and fair discovery of all the particulars and circumstances with which he was acquainted, when examined by Mr Sheriff Clerk. This conduct is easily explained and accounted for; the Sheriff says he was unwilling to speak out; so he was, but what was the reason? it was because the person he kept up correspondence with, the Lord Advocate, was not present, to whom alone he very naturally wished to disclose himself. I don't at all wonder at his refusing to speak out to the Sheriff upon his examination; and of his desire to delay till he had an opportunity of seeing the Lord Advocate himself. He was in a habit of correspondence with that Honourable Lord, if he was conscious that he was acting in the character of a spy, (for I will not mince the matter) it was extremely natural that he should wish on every account to make his situation known to as few persons as possible; he is accordingly unsatisfactory to the Sheriff, which must be allowed in this case to be at least a pardonable instance of caution. He does not say any thing; but he expected the Lord Advocate in town in a day or two, and then he would tell his case.

It is also said that when examined by the Sheriff, he would not give an account of the arms that were found in his house. Here the same answer as that given just now most aptly and readily occurs. He, very wisely considering the delicate situation in which he stood, would not give intelligence



telligence to any one, but to the fountain head, to him only with whom he was in the habit to communicate; he would give his information to him alone, and I have given a very good reason why he should wish to communicate it only to that Gentleman. His wish for a temporary concealment, sufficiently explains the evasive account he gave of the pikes when first examined; for it was not a true account with respect to these pikes which he then gave. I will not allow him to say, that he meant to sell them or make a trade of them, but I will say he had them in his house, and for what purpose? that he might have them in security, in such a situation that no danger should happen to this country; it is in evidence they were in a cloath's press, locked up, and not left in the way of any wild or rash young men, who might use them to bad purposes; they were put there till he should have an opportunity of giving his account to the Lord Advocate, and this examination of the Sheriff accounts for and explains the fact in the most conclusive manner. Gentlemen, I will and must lay a great deal of stress upon the situation in which this person was placed; I will also mention, that very dangerous consequences would ensue were this unfortunate man to be abandoned to that fate, which now dismally hangs over his head; we all know that in the present political state and Government of this country, it is absolutely necessary that those who have the superintendence and management of public affairs, should be furnished with secret intelligence from every quarter of the kingdom where danger of any kind may possibly take root: without this advantage, which I must consider as in every respect a necessary one, the rulers of the land would, in many instances be less able as well to ward off or resist the impending storm, as to cut the root of the evil by the cautious expedient of timely and seasonable prevention. For this purpose are persons, such as the prisoner at the bar, unquestionably necessary; but if he falls, I question if any one will again be found so hardy as to enter the list in such a dangerous employment

ployment. Gentlemen, I state to you the fact only, and leave the application to your deep consideration.

Gentlemen, I am happy to think, both upon your account and my own, that I am now arrived at the close of my labours, and that I shall have little or no occasion to trouble you further upon this case; if, Gentlemen, I am right in what I maintain to be the true and just construction of the law of England as to High Treason, there is an end of the question; as the overt acts, laid in this indictment, bear not at all upon the personal danger of our gracious Sovereign, neither do these acts come up to the measure of what is necessary to make out a conspiracy to levy war of the first or highest degree noticed in the distinction. If, on the other hand again, there is not evidence sufficient to make out the overt acts charged, the man is safe; for the failure of the Crown to rear up their fabric, makes a sufficient case in my favour. Again, if you shall be of opinion that the facts laid and charged in the indictment, and of which there is no doubt some proof, were such as would have been attended with dangerous consequences, only if followed up, I do think that the prisoner may stand firm and cool in that situation in which he is now placed; for the whole mass of the evidence undoubtedly shews, that the plans in contemplation, if ever seriously thought of, were such as never could have been attended with success, so that the alledged danger to the Constitution never had in fact any existence.

Now, whatever, Gentlemen, shall be your opinion upon the case before you, certain I am that you know well your duty; and though it is, I believe, the first time you sat in a court regulated by English procedure, you have nevertheless all of you been upon juries of your own country, where the fate, life and character of an individual was at stake; you know what are your powers, your privileges, and your duties; you know you are intitled to bring in whatever verdict shall be consistent with the dictates of the human mind and your own consciences; you may bring it in either  
specially



ſpecially or generally as you ſhall think fit ; if you find that the facts charged in the indictment are proved, you may alſo find the defence I have made out for the priſoner, and I think fully made out, alſo proved ; or, you may ſteer the ſafeſt of all courſes, and find a general verdict of not guilty. Gentlemen, you are to judge yourſelves of the verdict you are to pronounce this day ; you have paid due regard to the evidence, and you have honoured me with that attention in endeavouring to throw this additional light on the caſe, that I can have no doubt but that the judgment you are now to give will be founded on juſtice, tempered, however, I truſt, with a due portion of mercy.

But one thing more, Gentlemen, and I am done : tho' we are engaged in a bloody war with an antient, inveterate, and formidable foe abroad ; and tho' it is rumoured about that a treacherous enemy, fraught with danger, lurks within ; and tho' you muſt alſo well know that there have been ſuch deeds done in a neighbouring country as ſeem to leave a threatening and impending danger ſouring over this our native land ; theſe are miſfortunes which we muſt all as good citizens regret and ſtrive to avert, but they are ſuch as you are not in this caſe at all to regard ; they are circumſtances which may affect the public mind, but can have no weight upon your judgment ; for, Gentlemen, you have fully ſtudied this caſe, you are men of property and high reſpectability, you have God and a good conſcience before your eyes, and you cannot fail to do right, and to act juſtly. If then, you are of opinion that the public accuſer both in law and evidence has made out his caſe, your determination will thereby be fixed ; but if not, which I truſt, is the fact, your ultimate reſolve muſt be equally fixed and decided ; whichever of theſe ſhall be the reſult, to you, Gentlemen, as fellow-creatures, good ſubjects, and honeſt men, ſitting in your ſupreme tribunal, does the priſoner at the bar, with willing confidence ſubmit. If the cup of iniquity is full, bitter, bitter indeed muſt be the draught, but if it is not, and that ſuch, I truſt, will this day be your opinion, I know that I ſhall



shall see the just and humane arm of the law dash it untasted from his lips.

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THE LORD ADVOCATE (*in reply to the Defence*) then  
addressed the COURT and JURY, as follows:—

MY LORDS,

AND GENTLEMEN OF THE JURY,

HOWEVER much I may differ in point of law with my friend who has just sat down, however much I may differ from him in many of the propositions which he assumed in his opening of the defence, it will be to me in many respects a more painful task to review the evidence which has this day been laid before you, on the import of which Mr Hamilton and I are equally at variance.

There is one observation with which he concluded, to which I must profess my most complete and most hearty assent. In any case, of any kind whatever, submitted in the course of criminal proceeding to the consideration of Jurymen, and much more in a case of this awful and solemn nature, which you are at present to try, God forbid, that from the circumstances which have occurred in another country, or from the circumstances which may occur in this country, any general opinion or any general prejudice, however laudable that opinion or that prejudice may be, should lead your attention, for one moment, from the cool, and the candid, and the impartial consideration of the evidence which is laid before you, which is the only text to which you can look, and the only subject on which you are at liberty to decide. But when I state this, Gentlemen, I know that it will follow from the same motive, and that it will flow from the same principle, that be the consequence of that verdict, which your oath, and your conscience, and your duty to your

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country

country lead you to give, what they may, if justice demands a verdict against the prisoner at the bar, you must satisfy your oaths and your consciences, and will return that verdict against him.

In a trial which has lasted now for seventeen or eighteen hours, I hope, in summing up the evidence, which it is my duty to do, and in replying to those observations which have been just now stated upon the part of this unhappy prisoner, that I shall consume as little of your time as I possibly can; and I have determined, upon that account chiefly, though still, I trust, without departing from my duty, which upon all occasions must be the only rule of my conduct, to abridge very much what in the course of hearing the evidence read and the testimony given, it was my intention at an earlier period of the trial, to have stated for your consideration. I shall confine myself to those points of the case which have all along struck my mind as decisive of the guilt of the prisoner; which in spite of every wish that, as an individual, I entertained to excuse in my own mind the offence, and explain away the facts which have been imputed to him, and which I have not till the present moment been able to satisfy my own mind upon, which do not press upon it still as forcibly as when the circumstances first came under my consideration; and which, exclusive of those circumstances, which in defence have been stated for him, and with which his council concluded, but which appear to me to be circumstances which do not exculpate the gentleman, have, after all the attention I could give to his former situation, only tended to aggravate not to extenuate his guilt. If you shall be of an opposite opinion, I shall most heartily acquiesce.

If it should be your opinion, either that this scheme was, as my friend has attempted to persuade you, a wild, absurd rhodomontade, formed in frenzy, conceived in madness, and never seriously intended to be carried into execution; or, if you should think that the part this man played in it was merely for the purpose of detecting it, and in due time to do his duty to his King and Country by divulging it, in

God's



God's name return your verdict in his favour. And I repeat it again, most sincerely will I rejoice if your own impartial minds will permit you to do so.

I stated that one respect in which I differed from my friend was on the law which he in this part laid down : That a conspiracy to levy war was not an overt act tending to shew compassing or imagining the death of the Sovereign. It is one of the peculiar blessings of the constitution under which we live, that the law of treason, although occasionally during some centuries additional statutes were passed which added to the code of law upon that subject, that from the days of Edward III. to the present moment, the same code of laws subsists which existed then, and which, I trust, will continue to exist as long as Britain is free.

Let it not then be said, or as it was said to night, let not your minds be misled by the idea that the law of treason, according to that definition of it which was given by my brother in the morning of this day, and which I shall also give in a few minutes, not in my own words, but in those of the best of men and lawyers that ever existed, holds out precipices under the feet of the subjects of this country, which they are not aware of, and which they cannot discover till they drop into the pit which has been laid for them. I never can conceive that a consultation for a traitorous purpose for levying war against the King or Government of this country, or taking steps to compell the King or the Government, to alter their measures by force, or that a consultation for a purpose directly touching the personal safety of the King, is not an overt act sufficient, in the common sense of every man who hears me, to prove an intention upon the part of the consulter to compass and to imagine the death of the King. The doctrine which my learned friend laid down I understand to be this, that unless a war is actually levied, a consultation to levy that war, is not an overt act of compassing and imagining the King's death. If the war, whether it be with the pomp of war or not is perfectly immaterial, be directed against the person of the King, or if the



consultation or scheme has in its object and tendency such measures as must necessarily, in the completion of them bring him under restraint or into danger, the best and most established authorities we have in the law of England, uniformly concur in declaring that it is an overt act of compassing his death; and, although it is not material for me to shew that the consultation was directly and immediately intended to the murder of the King in his natural capacity, yet I think, if I attended to the evidence at all, the proof this day laid before you did, distinctly and positively, go that length. That upon the part of the person who was the principal framer and ringleader of this conspiracy, there was a serious consultation for putting restraint upon the King by force, and compelling him by intimidation to alter the measures of his Government, under the penalty of taking the consequences if he dared to refused; that precise fact was brought out in evidence, and brought out by evidence directly against the man who is now standing upon his trial before you.

Gentlemen, I shall beg leave to read two passages, both of them are short, the words of Mr Justice Foster and the words of Mr Serjeant Hawkins, because they put the law in such plain and distinct terms to the understanding of every body, that I am sure when I read them I shall not have a word more to say in explanation or in illustration of them. Mr Justice Foster, after stating that risings or insurrections for a particular purpose do not fall under the idea of High Treason, expressly lays it down, " But every insurrection  
 " which in judgment of law is intended against the person of  
 " the King, be it to dethrone or imprison him, or oblige him  
 " to alter his measures of Government or to remove evil  
 " counsellors from about him, these risings all amount to  
 " levying war within the statute, whether attended with  
 " the pomp and circumstances of open war or not. And  
 " every conspiracy to levy war for these purposes, though  
 " not treason within the clause of levying war, is yet an  
 " overt act within the other clause of compassing the King's  
 " death ;

“ death ; for these purposes cannot be effected by numbers  
 “ and open force without manifest danger to his person ”

Gentlemen, I hope, when you come to consider the evidence, you will keep this short, this distinct summary of that law of treason in your minds ; and if the facts which are proved, and which I shall feel it my duty to recapitulate, do not amount and apply precisely, and almost in the very words to the authority which I have just now stated, then I shall have no objection to abandon my cause, and the cause of my country altogether.

I said that I would read the words of Mr Serjeant Hawkins, as the only quotation I shall further give ; he says,  
 “ As to the first point, that of conspiring the King’s death,  
 “ It seems clearly agreed by all, That conspiring the King’s  
 “ death, and providing weapons to effect it, or sending letters to incite others to procure it, or actually assembling  
 “ people in order to take the King into their power, and  
 “ all other such like notorious facts, done in pursuance of  
 “ a Treasonable purpose against the King’s person, may be  
 “ alledg’d as overt acts to prove the compassing his death.

“ It has also been adjudg’d, that the levying war against  
 “ the King’s person, or the bare consulting to levy such  
 “ war ; or meeting together and consulting the means to  
 “ destroy the King and his Government, or assembling with  
 “ others and procuring them to attempt the King’s death ;  
 “ or printing Treasonable positions, as that the King is accountable to the people, and that they ought to take the  
 “ Government into their own hands may be alledg’d as  
 “ overt acts, to prove the compassing the King’s death.”

Gentlemen, the authority of Lord Coke was referr’d to in order to controvert this proposition. Is it likely, Gentlemen, that this opinion of Lord Coke’s, had it been a solid and well founded opinion, would not have been held to have been law at this moment, or that you would have found subsequent writers declaring the reverse, and quoting in support of their propositions, not the trials of Treason alone which have occurred between the days of Lord  
 Coke



Coke and the present moment, but cases before that period and particularly a case that is quoted by Lord Holt, and Chief Justice Pratt, two of the first Lawyers and best of men that England ever saw at the head of her Courts of Justice, which existed long before the time of Lord Coke; the case of Lord Cobham, in which this very point was fully discussed, and then fixed and settled upon a foundation never to be shaken? I will state to you the words of Chief Justice Pratt in the noted case of Christopher Layer who was indicted under a train of circumstances, for compassing the King's death, similar in some respects to those stated in the indictment against the prisoner at your bar, but dissimilar in this respect only, that when you come to compare them together, the case of Layer, and the circumstances of consultation proved against him, and for which he was convicted, and suffered, shrink to nothing in comparison with that extent of conspiracy, that degree to which the traitorous scheme now before you, had advanced towards completion, and that serious and well arranged system of measures, which was not only devised, but actually in forwardness, and carried partly into execution by the orders, and under the directions of the prisoner at the bar.

Gentlemen, I blame not my learned brother for arguing as he has done, and extremely well, and stating every thing he could, in a case where a man stands in that dreadful situation, in which the prisoner now does. But when he has stated as law, what I apprehend is not; and brought forward to your attention points, which if ever dubious or debateable, have long since been settled and put to rest, it is my duty to set the matter to rights, and I shall do so in the words of the Chief Justice, who presided in the trial of Layer, where the self-same plea in law was urged by Mr Hungerford, counsel for Layer, in arrest of judgment.

In that particular case, what were the words of the Chief Justice? "Mr Hungerford, we would hear you on every matter, but consider whether you are not offering a matter in arrest of judgment, that hath been determined against



" gainst you a hundred times; hath it not been constant,  
 " ly allowed as an overt act of Treason, in compassing and  
 " imagining the death of the King, if the parties did meet  
 " and consult, and agree to levy war? hath it not con-  
 " stantly been agreed, and doth it not stand allowed? Now  
 " to persuade us, at this time, to over-throw the resolutions  
 " taken by our predecessors, is such a thing as is not right.  
 " Do you think we will give a judgment, contrary to  
 " what our learned predecessors have given in cases of the  
 " greatest moment?

" If I thought it was of any effect I would not grudge  
 " spending time to hear you, but you must agree it has  
 " been over-ruled a hundred times."

Standing upon this authority in point of law, and liable  
 to the correction of the Court if I am wrong in stating it,  
 I come to what I feel my peculiar duty, in this stage of the  
 trial, to sum up the evidence, and to reply to the observa-  
 tions stated against it, on the part of the prisoner.

Gentlemen, though the indictment is branched out, in-  
 to a variety of different overt acts intended, in point of  
 form, to embrace every possible circumstance we had to  
 prove against him, and calculated out of mercy, nay out  
 of justice to the prisoner, to explain to him every thing  
 which we had to urge against him; yet it is material for  
 you to know, that if we succeed in proving only one overt  
 act, we are intitled, though all the other seventeen (as I  
 believe there are eighteen) were not proved, to a verdict a-  
 gainst the prisoner.

But the matter rests not upon such narrow ground; be-  
 cause, if I consider this evidence right, every word that is  
 stated in that indictment, however diversified in expression,  
 and varied in form, are completely, and fully, and distinctly  
 proved before you.

Gentlemen, the charge against this man is comprehended  
 under two distinct heads:

In the first place, a conspiracy existing in this country,  
 not confined to Scotland alone, but extended also to England  
 for

for calling a new British Convention, as the writings and witnesses have told us, the purpose of which Convention is distinctly spoken out by all those writings to have been nothing less than a bold, audacious and desperate attempt to introduce something like the French Government among us, to level the present order and establishment of things, and, in the apprehension of the conspirators themselves, to bring upon this country all the evils of anarchy, unless prevented by the wild, the absurd, and the ridiculous scheme which those conspirators had devised, in the moment of the dissolution of the present Government, for substituting in its stead something which they fancied was to be more permanent and free, and more calculated for the good of their country, and for the good of mankind, than that for the downfall of which they were conspiring.

Gentlemen, if I stop here and went no farther, I should be intitled to say I have proved my case : For the King being, what I trust he will always remain to be, an essential and a component part of the British legislature, if I prove this man accessory to a conspiracy, which had for its object the subversion and overthrow of the legislative authority, of which the King forms a part, I have proved him guilty by the sound construction of the statute of Edward the III. of compassing and imagining the death of the King ; because he could not hurl the King from that place which he holds in the legislature, and reduce him for a time to bondage, without bringing his personal safety and life into danger, and which amounts to what is described in the Act of Parliament, which passed five centuries ago, in Edward the Third's time, as compassing and imagining the death of the King.

This I take to be the sound construction of the Act of Parliament. The law of England, which is now the law of this country in matters of treason, and has justly been so since the Union, when our allegiance was the same, and when the breach of it ought to be punished in the same manner, is peculiarly jealous of the safety of the Monarch. With what justice it is so, with what good sense, with what knowledge

knowledge of mankind the Parliament of Edward the III, who were so famous for passing this and other such statutes, as to obtain in history the appellation of the blessed Parliament, and which, I hope it continues to deserve, declared the bare imagination of measures tending to effect the life of the Sovereign to amount to High Treason, is fully evinced, not only by the history of succeeding ages, but by the recent experience of those things which have happened in a neighbouring country, and to which I am intitled to advert, and which justifies that jealousy with which they guarded the life of their monarch, and erected a barrier against even the consultation of the subjects of this country to any attempt which could fall under the definition of compassing or imagining the death of the King.

Will you then, Gentlemen, permit this man and others engaged in such a detestable and dangerous conspiracy, to be excused under the idea of an idle and absurd rhodomontade? will you permit them to go free under the more specious but false pretext of general reform of national grievances, or suffer either restless ambition, or the mad desire of innovation to break thro' that barrier of strength, of respect and of security with which the wisdom and policy of our ancestors have encircled the person of the Prince, and established the stability of our constitution? We have not indeed far to go back for evidence of the danger to which such measures are liable; for if the barrier of loyalty and respect is once permitted to be assailed with impunity by every one who takes it in his head to do so, it will soon indeed be broken completely through, the constitution and Government itself subverted, and the life of the monarch not only endangered, but forfeited, merely because he has the misfortune to be the Chief Magistrate.

Gentlemen, I have just now stated what the Parliament of England has done, in its justice, for the safety of the King. I have now to state, what to its immortal honour it has also done for the most unbounded security to the person accused of treason. Look to the forms of the law of treason which



now for the first time since the union with England we have the misfortune to be in practice acquainted with ; consider the manner in which the charge is preferred against him ; consider the time for preparing his defence with which he is indulged ; that he has a list of the witnesses and of the jurors who are to serve upon his trial furnished to him, at least ten days before it ; consider his unbounded power of challenge, as large as can be admitted of, consistent with the administration of justice ; that twelve men sitting upon his trial must concur in finding him guilty, and I venture to affirm, that the country never existed, or that history tells us of, where the safety of the subject was under such a charge so amply protected, where we are tied down to prove every thing we aver against him, and last of all, an overt act is to be found by you, to have been committed before you can find a verdict against him ; and I say the human mind cannot conceive a possibility of trial more fair for the prisoner, or a system of law provided that could be more effectual to secure, I had almost said, the indemnity of a man who is guilty.

Gentlemen, I stated that the first point was the conspiring to call another British Convention. And if I have proved that which I stated in point of law, such would have been, by the construction of the statute, an overt act of compassing the death of the King. But I rest not upon that alone, because I say the other not more but equally material point of the cause is, that in this country a consultation did take place, not only for the purpose of compelling the King to alter his measures by force, and a consultation alone would have been of itself sufficient, but in that consultation the person of the King was directly pointed at, his personal safety was to be brought into question and danger ; and I go further, and state, that short of the actual completion of that plan, short of an actual insurrection, short of an actual arming of every person in Scotland, who, by emissaries, they could arm for that purpose, the consultation was followed up, and prosecuted to the utmost possible extent. It was prosecuted to an alarming extent. God knows where it would have

have stopt, if it had not been for the goodness of providence, for it was stopt by an accidental discovery. It was stopt by a most extraordinary discovery, and after the measures which they had taken in the prosecution of the consultation had been, though but for a very short time, actually in a state of execution. If these things are proved (leaving at present Watt's defence out of the question) I shall be at a loss to discover how you can hesitate in the smallest degree upon the subject. I shall run over the evidence upon the first point very briefly, because it consists chiefly of written evidence, and that evidence has already been read to you by the proper officers of Court; and because I doubt not you will, when you deliberate upon your verdict, if you find it necessary, look yourselves over those material papers.

You will remember in general, that as early as the 17th of May, 1793, and immediately after the House of Commons had thought it consistent with their duty to reject the petitions for a reform in Parliament, a letter appears from a Mr Hardy, Secretary of the London Corresponding Society, asking from Mr Skirving, with whom we are all acquainted, what more effectual measures could be now attempted. You will remember Mr Skirving's answer of the 25th May, equally well proved and of his hand writing, proved to be found in the possession of Hardy, as Mr Lauzun has told you, when Hardy was apprehended under a warrant from the Secretary of State. You will read that letter; I had much to state upon it, I had marked several passages of it as fit for your attention, but which at this early hour, I shall omit, making on this letter only one observation, that the writer of it seems to have been a very wild enthusiast to have seriously fixed in his idea, that the present government was to fall into ruins, and that anarchy would ensue in consequence, unless they in the mean time, unless Hardy and Skirving, with the aid of those societies, much too numerous I am afraid for the public good, should be prepared with their new system of Government with which they were occupied. After reading that letter, it will be for you, Gentlemen, to

consider whether these men were engaged in a wild, absurd rhodomontade; or, whether they were not seriously occupied in forming a plan of organization, as Skirving terms it, which they were to be ready to substitute in lieu of the edifice they thought was about to fall into destruction. I shall pass over several of the other letters that are proved to have passed among these people, between the months of June and November last, when the British Convention of eternal and notorious fame was established in this city. You find Mr Skirving, then corresponding with Mr Hardy, the Secretary of the London Society, which as Taylor and Gosling told you, met in January last, to the number of 1200 people at the Globe Tavern, and as late as April, to more than 2000 persons. You find this London Corresponding Society chusing members to go to that Convention. Thus it is matter of notoriety that those two delegates are suffering this moment, for their conduct in that Convention, that just punishment which the justice of Scotland awarded against them. You find by the evidence of Scott and others, there were other societies in England who sent delegates to this Scotch Convention. You have it in evidence from that Mr Aitchison whom we saw to day, and who acknowledged a paper with his hand writing upon the back of it, entitled Citizen Sinclair's amendment of Citizen Callendar's motion; and you have the minutes of the Convention itself proved to be the writing of Ross and Aitchison. From these and from the evidence of Ross and Aitchison, it appears that this motion of Sinclair's, with which you are so well acquainted, was solemnly and deliberately adopted by the Convention; and followed up on the 28th November, by a motion from Citizen Margarot, viz. "That a Secret Committee  
 " of three, with the Secretary, be appointed to determine  
 " the place where such Convention of Emergency shall  
 " meet: That such place shall remain a secret with them,  
 " and with the Secretary of this Convention; and that  
 " each delegate shall, at the breaking up of the present Session, be entrusted with a sealed letter, containing the  
 name



“ name of the place of meeting : That this letter shall be  
 “ delivered unopened to his constituents, the receipt of  
 “ which shall be acknowledged by a letter to the Secretary,  
 “ preserved in the same state until the period shall arrive,  
 “ at which it shall be deemed necessary for the delegates to set  
 “ off.” You have it proved by Scott that they were dispersed  
 by the Magistrates and Sheriff on two successive days. It  
 is proved that this Convention attempted once to assemble  
 in the face of lawful authority, and that upon the second  
 occasion, Margarot called out expressly to the Convention to  
 recollect they had the preceding evening voted themselves  
 permanent, and they were not at liberty to retire. You will  
 consider these circumstances, and connect with them the two  
 other printed papers on the table, proved to contain the  
 proceedings at the Globe Tavern a few weeks thereafter, and  
 the proceedings at Chalk farm the 14th of April. I will  
 not fatigue your attention or distress you at this hour of the  
 morning, by reading the one or the other of these papers;  
 much had I to say, much had I to argue on each, but I  
 leave both to your impartial consideration.

The resolutions at the first, amount to a direct attack on  
 the legal proceedings of the courts of law in your own coun-  
 try, assert in several passages in the strongest terms, their  
 determination to resist the legal authority of this country, and  
 justify the Convention for that conduct for which the Jury  
 of Scotland had convicted their delegate Margarot, and for  
 which he was sentenced to Botany Bay. They take up-  
 on themselves the whole merit, and state the whole pro-  
 ceedings of the British Convention to be such as to demand  
 applause, and avow they will continue to follow them  
 in all particulars till the last moment. The resolutions on  
 the 14th April, attack in terms still more violent and out-  
 rageous, the proceedings, which they say, disgrace the Su-  
 preme Court of Criminal Justice in Scotland, and declare  
 that these ought to be considered as dissolving entirely the  
 social compact between the English Government and the  
 People, and driving them to appeal to that uncontrovertible  
 maxim

maxim of eternal justice, that the safety of the people is the supreme, and, in cases of necessity, the only law; that a measure then under the consideration of Parliament, the employing Emigrants in British pay, on which measure Parliament had alone the power to determine, they state, that on no pretence whatever, ought the people to submit to it; they state, as a question of doubt, what Mr Taylor told you was at first a direct assertion, that the King and his Ministers had been guilty of High Treason in raising money by subscription; and that this, and arming one part of the country against the other, were the measures which brought Charles I. to the block, and drove James II. and his posterity from the throne. If arming a free and loyal nation against a foreign enemy, be the measure which these persons consider as arming one part of the people against the other; and if they favour the cause, and are desirous to bring that enemy into this country, then they have a right to say they are a part of the people against which the others are armed. Since they take it to themselves, it is for you, Gentlemen, to consider to what extent this resolution goes, and of what complexion are the members of this London Corresponding Society. The concluding resolution states their conviction, "That a steady perseverance in the same bold and energetic sentiments avowed by the Friends of Freedom, cannot fail of crowning with ultimate triumph the virtuous cause in which we are engaged." What cause? the cause of the British Convention, which in the preceding resolutions they have so warmly extolled as being in strict conformity to the wishes and instructions of the Society; and they conclude this inflammatory and treasonable paper, by observing, since, "whatever may be the interested opinion of Hereditary Senators, or packed majorities of pretended representatives, truth and liberty in an age so enlightened as the present, must be invincible and omnipotent."

In a subsequent part of their address to Joseph Gerald, they have expressly stated, "The equal laws of this country have for ages past been the boast of its inhabitants, but  
"whither

“ whither are they now fled ? We are animated by the  
 “ same sentiments,” (talking of the British Convention,)  
 “ we are daily repeating the same words, and committing  
 “ the same actions for which you are thus infamously sen-  
 “ tenced, and we will repeat and commit them until we  
 “ have obtained redress ; yet we are unpunished ! Either  
 “ therefore, the law is unjust toward you, in inflicting pu-  
 “ nishment on the exertions of virtue and talents, or it  
 “ ought not to deprive us of our share in the glory of the  
 “ martyrdom.”

What is this but falsely stating that the laws of the country are not administered with equality and justice ? What is it but vindicating and making their own, the whole proceedings of the British Convention, and those persons who have been punished for those proceedings, and avowing their determination to commit and persevere in the same criminal conduct till they obtain redress ? They hope to have their share in the glory of the martyrdom ! I hope that the last part of their prayer is not far distant. What I have read now, is from the resolution of the 14th of April, at a meeting at Chalk Farm, where it is proved there were no less than 2000 people present. At the meeting at the Globe Tavern in January, they adopted a similar resolution to that on your table, which was proved to be Aitchison's own hand writing, which was for calling a General Convention, which in fact, was to assume all the powers of legislation over this country, and to exercise a supreme authority in any manner it might think proper ; and which, in case Parliament should think fit to land foreign troops, in case they should think fit to suspend the Habeas Corpus Act, which has been done ; (and for the wisdom and necessity of that measure, need I refer you to any thing else but what this day's evidence has presented to you ?) and in several other given cases, was immediately to be summoned for the clear and indubitable purpose of rebellion against the legislature of Great Britain.

Before I leave this, attend also to the letter of Hardy, I mean the printed letter which we have traced home to the  
 possession



possession of Miller of Perth, and Mitchell of Strathaven; that paper, combined with those resolutions which I have just now read, appears to me, and I trust and know it must appear to you, as nothing less than sounding the alarm for a rebellion in this country.

“ Citizens, the critical moment is arrived, and Britons  
 “ must either assert with zeal and firmness their claims to  
 “ liberty, or yield without resistance to the claims that ministerial usurpation is forging for them. Will you co-  
 “ operate with us in the only peaceable measure that now  
 “ presents itself with any prospect of success. We need not  
 “ intimate to you, that notwithstanding the unparalleled audacity of a corrupt and overbearing faction which at present  
 “ tramples on the rights and liberties of the people, our  
 “ meetings cannot in England be interrupted, without the  
 “ previous adoption of a Convention Bill, a measure it is our  
 “ duty to anticipate, that the ties of union may be more firmly  
 “ drawn, and the sentiments and views of the different societies throughout the nation be compared while it is yet  
 “ in our power, so as to guide and direct the future operations of the Friends of Freedom. Rouse then to one exertion more, and let us shew our consciousness of this  
 “ important truth. If we are to be beaten down by threats, prosecutions, and illegal sentences, we are unworthy, we  
 “ are incapable of liberty. We must however be expeditious. Hessians and Austrians are already among us, and if we  
 “ tamely submit, a cloud of those armed Barbarians may  
 “ shortly be poured in upon us. Let us form then another  
 “ British Convention. We have a central situation in  
 “ our view, which we believe, would be most convenient  
 “ for the whole island; but which we forbear to mention, intreating your confidence in this particular, till we have  
 “ the answer of the societies with which we are in correspondence. Let us have your answer then by the 20th  
 “ at farthest; earlier of possible, whether you approve of the  
 “ measure, and how many delegates you can send, with the  
 “ number

" number, also if possible, of your societies.—We remain  
 " yours in pure affection.

" The London Corresponding Society,  
 " T. HARDY, Secretary."

" For the management of this business we have appointed  
 " a Secret Committee; you will judge how far it is necessary  
 " for you to do the same."

Now, having established this close union with the London Corresponding Society, united in the same measures, sending delegates to the same place, and taking up the cause of the British Convention where they left it, and corresponding again, with every part of the country, let us consider what are the inferences which you are to draw from these proceedings. After the evidence was read to you, you could have no doubt, that this other British Convention, which was to rouse itself to one exertion more, was to be a Convention, not only as strong, but more effectual than the one in Edinburgh, dispersed six months before. This letter of Hardy's appears to have been sent to Stock, and a number of copies given by him to George Rofs, the man in whose house the Committee of Union met, and in whose house the Committee of Ways and Means met; a fact which one of the witnesses, with a very mean equivocation, attempted to deny, for, when I asked him if he went to the Committee of Ways and Means, he answered, no, he went to the Gazetteer Office; but it turned out, that the Gazetteer Office was the very place where these Committees always met; George Rofs was a member of the British Convention, and of the Committee of Union also; and George Rofs told you, he sent these printed letters to different places in Scotland, particularly Perth, Paisley, Strathaven and Dundee. In this you find him confirmed by the evidence of Miller and Mitchell. The copy sent to Perth is on the table, addressed in the hand-writing of George Rofs; and Miller admits, that he received it from Edinburgh by post, and he says, in consequence of that invitation.



on, the club at Perth agreed to chuse a delegate, who was to be ready to set out, and to attend in that place, then kept a secret, where Mr Hardy should afterwards notify the Convention should assemble. This happened in April, and the little man, Taylor, I believe, told you, that it was understood in London, that the Secret Committee had fixed the place, and that the Convention of Emergency was appointed to meet about the beginning of May. I took his words down, for the coincidence of dates struck me to be extremely material. You have it in evidence, that Mitchell of Strathaven received such another letter; he acted as chairman of the United Societies of Strathaven, and various other villages in that neighbourhood, who met, as Mitchell says, in consequence of that letter, and likewise chose a delegate, to attend the proposed Convention. The letter itself, signed by Mitchell, and dispatched by him to London, notifying the election of the delegate, was afterwards found by the messengers in Hardy's possession, and is now on the table. It is dated the 9th of April, which tallies again exactly with the periods of Miller and Taylor.

From how many other towns in Scotland, and from how many towns in England they had received assurances of co-operation, in the one great exertion which remained, it is not necessary for me to inquire; it is enough for me to have proved what I have done, and I now leave it for your consideration, whether I have not, clearly and satisfactorily, made out, what I hope the prosecutor always will, in such a case, be obliged to make out, ere he can ask a Jury to believe the existence of a conspiracy or treasonable plot; one of as serious, as alarming, and as extensive a nature, as ever was formed in the annals of our history. I confess, Gentlemen, that, when in a different capacity, I first heard of the existence of this extraordinary scheme, it struck me, that it could not be serious, as it bore all the marks, and the similitude of fancy and madness. But the evidence this day has proved, that this scheme was not the fancy of the moment, not the effort of any one, two, or three individuals  
in



in a corner, acting under the influence of an overheated imagination, but part of a serious, and a deep conspiracy, which began eighteen months ago, which gradually grew in maturity, as the parties, of which it was composed, continued to increase in activity, and boldness; and has now, by dint of unwearied industry, extended to numbers which we should have esteemed incredible: when you find one meeting of 1200 persons publishing 100,000 copies of their resolutions, to be sent all over the country; and a second, of 2000 and upwards, publishing no less than 200,000, because the former had not been sufficient; when you find it thus gradually increasing, will you, Gentlemen, permit this conspiracy to go on in its progress? will you suffer it to rear its head any longer against the legal constituted authority of the State; to hold in contempt, and attack with impunity, the Laws and the Justice of the country, and to justify the conduct of condemned criminals, with an avowed determination to repeat the same crimes, and never to desist, 'till they have obtained their object.—All this you have in evidence; and the point, fit for you, as a Jury, to consider, is how far it is brought home against Watt. It is brought home against Watt, by this evidence; in the Committee of Ways and Means, which assembled in the house of George Ross, the man who received the paper from Stock, that letter was laid before the meeting, in the presence of Bonthron, Stock, Watt, and Downie, where an answer was concerted to that letter, and Watt, who is proved to have been alarmed with respect to corresponding with Hardy, hesitated, till advised by Stock, whom I am entitled to state as a traitor, because the Grand Jury have found a Bill of Indictment against him, removed his doubts, by assuring him he had devised a proper mode, in which Hardy and Watt could correspond with safety. This circumstance, I am afraid, proves that this man, artful and cunning as he was, knew sufficiently well the criminal nature of the correspondence in which he was engaged, and from the peculiar mode in which M'Ewan answered the question put by the prisoner

himself, he was, notwithstanding, fully resolved to carry it on. If the excuse of ignorance was admissible at all, some kind of apology might perhaps be found for a person, such as Bonthron, such as M'Ewan, or a man similar to Mr Aitchison, or any of those persons, who, after being misled by others more designing than themselves, embarked in schemes, of the guilt of which they were utterly incapacitated to judge; and which, from their situation, they could not discover; who were gradually led, as many of the British Convention were from less to more, without knowing the full extent of the crime they had committed. But could Watt plead that apology? He was not a member of the British Convention, but he knew the proceedings of it. He could not be ignorant of the punishment of the ring-leaders of that Convention; and yet you find him, after the Sword of Justice had reached those men, engaged in the same measures, and carrying them on, in that very place in which they had suffered for their offence, by a sentence more lenient than it merited. It was with his eyes open, therefore, he must have done all this.

The only use punishment ever was contrived for in this world, for the sake of example to others, had completely failed in regard to him. When you find him in this Committee of Union, when you find him in the Committee of Ways and Means, assisting at that Committee with Stock, concerting the answer to be given to one of those letters, and consulting as to the safe and proper mode of corresponding with Hardy, and agreeing with Stock, that he was to carry with him to Hardy the answer which was drawn up upon this occasion; if you think this was an accession on the part of this man to the scheme of calling a new British Convention; if you think that his becoming a member of the Committees of Union and of Ways and Means, taking up the cause of the British Convention where they left it; and persevering, as he clearly did in the self same system is proved against him, you will then judge if he is not deeply engaged in this conspiracy, and if you will not hold him answerable

swerable for the consequences of the offence laid to his charge. I have been dwelling perhaps too long upon this part of the evidence: I hope I shall not be so long upon what remains. I state to you with perfect confidence, that if you look alone to the evidence of Bonthron and M'Ewan, a case cannot be figured, where the facts are more completely proved than those which have come out in the evidence this day laid before you. By the laws of this country, two witnesses are necessary to prove one crime. By the law of England in common cases, one credible witness to a crime, entitles a jury to convict: But though in matters of treason, the concurrent testimonies of two witnesses are requisite, it has been uniformly held, that one witness to one overt act, and another to another of the same species of treason, is sufficient. In the present case you have three witnesses to the treason.

M'Ewan, was the first witness. I am sure when I in a few words bring to your recollection the manner he gave his testimony, you will join with me in paying that compliment to him I cannot pay to Bonthron or Fairley; that he seemed desirous to tell the truth, and nothing but the truth. If you look at your notes, you will find, one particular thing only excepted, which Bonthron did not recollect, you will find every part of his story confirmed by Bonthron, and indeed by all the others beyond the possibility of doubt.

This Committee of Ways and Means, like a self elected Committee in France was invested with full powers to conduct the business of the party in Scotland, was to turn out old members and bring in new ones at pleasure, and was not to be responsible or accountable to the persons that chose them. It consisted of seven persons, Bonthron, Downie, Stock, Watt, M'Ewan, Aitchison and Burk; the two last however soon gave up their attendance, and if it is worth while to build any thing on the testimony of Aitchison, his reason for retiring was by no means a bad one. His testimony however I shall leave perfectly out of the case. I refer you to better evidence, and evidence not to be shaken,  
when



when I direct your attention to that of M'Ewan, who tells you the purport of the plan Watt proposed, when Downie, Stock and Bonthron were present; he tells you it was neither more nor less, (it is needless for me minutely to go over the circumstances of it) than a conspiracy, not only to compel the King to alter the measures of his Government, but to constrain him by force; to seize during the night the Castle, the Banks and public offices, and to send couriers to excite a general insurrection through the country, and to issue a proclamation to the country gentlemen, farmers and others to the purpose M'Ewan has told us. An address was next to be sent to the King, stating what had happened, and if he did not dismiss his Ministers and put a stop to the war, the words are, "he must either abide by the consequences, or stand to the peril of the consequences. In almost every particular was M'Ewan confirmed by Bonthron, although he was not surely a willing witness for me, and equivocated as much in giving his testimony as ever a witness did in a Court of justice, who was not sent to gaol for perjury or prevarication. He corroborated, however, the account of M'Ewan at least in all its material points, though with the utmost difficulty, and a difficulty which will, on your minds, have the same effect it had upon mine; that this witness said nothing but what was strictly true, and meant to keep close every circumstance he possibly could, which might be prejudicial to the prisoner, whose conduct he meant to conceal, but which, by that very reluctance, Bonthron clearly shewed he felt to be highly criminal, and which, but for the obligation he was under to speak the truth, he did every thing in his power to conceal. He concurs also with M'Ewan in describing what he felt respecting the scheme Watt proposed to them, and which, to the eternal honour of M'Ewan, he instantly opposed, by declaring he never would agree to any measure which tended to disturb the peace of the country, and to lay his country in blood; for Bonthron declares that M'Ewan strongly disapproved of that plan, and that he joined him in doing so. Bonthron  
does

does not tell you indeed any thing with respect to the address to the King, but he tells you he was so frightened and alarmed when he heard this scheme proposed, that it is not extraordinary that if this address to the King was read in his presence, it should have escaped his memory. It does not indeed exactly appear whether this address was read at this first meeting, or not till the next day, in which case the address was not divulged to Bonthron at all, and he never heard of it. But when you find M'Ewan supported in every thing by Bonthron, one circumstance only excepted that does not take from the credibility of the evidence of M'Ewan, on the contrary it confirms him, and shews M'Ewan has been telling the truth : For how is it possible to believe, that where he does so in every other part of the testimony, in which Bonthron and he perfectly coincide and agree, that in this particular he was telling a falsehood ?

We had a third witness, Mr Fairley, and there I must repeat with a stronger degree of application the observation I made on the conduct of Bonthron : Did that man, during an hour or more that he stood at the foot of that table, did he or did he not conceal the truth ? you saw his behaviour while under examination, and you will think I trust, as I do, that he was determined to conceal the truth.

We forced it out of him at last in spite of his heart ; and material and conclusive as his evidence is, decisive as it, is in every circumstance, even the most minute, of the guilt of the prisoner, I will not recapitulate one of them ; observing only in general, that he has deposed to every thing to which M'Ewan and Bonthron had sworn before, with this only difference, it cost him an hour and a half's work to tell you what he could and ought to have done in ten minutes, what he well knew was no idle plan, but a scheme, the criminal nature of which he was sufficiently aware of, and which he wished to bury in eternal oblivion. Bonthron says, he was so alarmed on hearing the plan read, that he went home immediately and wrote an advertisement for the purpose of inserting it in Donaldson's next paper, but that he did not put it in.

Being



Being asked the reason, he said, that before he had time to carry it to the printer, Fairley had come, mentioning that he was to go upon a journey to see his friends, in the course of which he was to do some business for Watt; and, that having, in consequence of Fairley's solicitation, given him a line to Watt for some money, he considered this as to a certain degree of new engaging with the Committee, and on that account kept the advertisement by him. But that paper he produced, which, he said, he drew up at the time, dated 21st of April, a short while before Stock appears to have left the city, and on the import of which I need not say one word. In short, take the evidence of these three men, Bonthron, M'Ewan, and Fairley, compare and combine them together, and if you hesitate a moment in believing every thing they have stated to you, to be true, any argument which I could offer to you on the subject, would be in my apprehension, extremely idle and unnecessary.

Now, it has been said in defence of the prisoner, that granting all this to be true, it is at best an idle, incredible, and impracticable plan, and a mere consultation of measures never intended to be carried into execution. If it be a consultation for the purpose of levying war against the King, it is enough for my purpose; for that of itself is an overt act to prove the compassing and imagining the death of the king. But it is impossible for me to agree to this state of the case. I have proved that the matter did not rest at a mere consultation, but that the consultation was acted upon and followed up as far as the prisoner and his accomplices could go, and to the utmost extent in their power, till their progress was stopped by being thrown into separate custody, where they have remained ever since. It has been said that the scheme is incredible. Not long ago it would have been incredible. But let me ask you, Gentlemen, have not things equally incredible lately happened? I ask you, could you have believed in the month of May 1793, that Skirving and Hardy were then conspiring against the state? Could you have supposed, last winter, when the British Convention met here,



here, that they would have dared to have openly passed a resolution in the face of the country, avowing a determination to resist the British legislature by force? Could you have believed, till the fact actually happened, that in London, there would be found men, bold, wicked, and daring enough to meet in public assembly, to the amount of 1000 persons, to pass resolutions in almost the self-same words, to vindicate the crime of those men whom the Supreme Court of Justice in Scotland had condemned to transportation, and avowed their determination to commit the same offence? Could you have believed, if it had not been proved to you, that they should since have attempted to assemble another, and a more numerous British Convention, similar in its nature and objects to the former, and for the purposes stated in the letters I have read? Recollect these things, and judge betwixt us, of the merit of this plea of general improbability. Recollect also, that we live not in the age of high families or powerful subjects conspiring, as in times of old, against their lawful Sovereign, but in a time unparalleled not in the history of this kingdom alone, but in that of the world, when a system, originating in that country, which has excited a convulsion in every part of Europe, has with a zeal proportioned to the magnitude of the object, and the desperation of its adherents, been attempted to be introduced into Britain by inflaming the multitude, by setting every man of low situation against his immediate superior, by holding out to the people the delusive idea of equality, not only of rights, but of property; which proposes to renounce all rank and order in society, and to establish what implies in it the destruction of the constitution of this country, and without which, some of the witnesses have told you, they were taught to believe they were not free, Annual Parliaments and Universal Suffrage, the false and specious pretext under which is hardly concealed a plan to introduce that confusion and anarchy which have deluged another country in blood, and which it must long continue to lament. It is the conspiracy and reason of the day which I impute to this man. Tell me not then that

Benthron, Watt, and the others are not to be believed serious in their attempt to lift their hands against the Government, when we find that the means by which the treason was to be carried on in every town and village in this country, was by seducing the ignorant and unwary, and deluding the people to obtain what, if they ever could obtain it, would end in their own desolation, ruin, and destruction. Tell me not that this scheme is unlikely on the ground that the actors apparently have not the power to be mischievous. If you shew me that it is impracticable in the execution, I agree to your holding it to be an unlikely plan both in its formation and structure. But if you tell me it is unlikely to be serious merely because this Committee of Ways and Means consisted only of seven men, recollect, I beg of you, Gentlemen, in what situation these men were placed, and in what character they acted. They state themselves to be the representative of the constituent, whom the constituent is bound to protect against every attack made against him, because the will of the representative is the will of the constituent. It is proved that the Committee of Ways and Means was a Secret Committee armed with the most uncontrouled and absolute authority over those who either directly or indirectly concurred in its nomination. That it possessed a power of disposing of money collected under various false pretences, to any purpose however treasonable without being called to any account for it; and that with the utmost artifice and caution, it devised and directed every possible step by which the multitude dispersed in clubs and societies throughout the country, could be brought to act together with vigour and by surprise against the established authority and government of the State.

When I look to the circumstances proved this day beyond the reach of doubt, can we hesitate in being of opinion, that there existed in the bosom of Watt and this Committee of Ways and Means, a scheme which bears all the features of serious, black, dreadful treason, in every line and in every step which they took to carry it into execution. You find  
them



them by means of an inflammatory paper attempting to seduce the Fencibles from their duty. You find in the closet of this delinquent a font of types discovered, which the Sheriff tells you he took into his possession, conceiving it something extraordinary, that a merchant and spirit dealer should have any use for such a machine, and you find the Fencible paper taken from that set of types. My brother was pleased to say, there was nothing seditious in that paper; but had he forgot the peculiar situation of the Fencible Regiments on the 12th of April when this paper is dated, and will he still venture to assert, that the paper is not seditious? What else than sedition, and what less than treason can you impute to the man who at so critical a time, when all the Fencible Regiments had hesitated, some been induced to refuse, and a few had to their honour agreed to march to England, to join in protecting the country at large under a threatened invasion, could be base enough, criminal enough, and daring enough, deliberately to sit down to compose, print, and publish such a paper, exciting the soldiery under false pretences not to cross the Tweed to assist in repelling a foreign invader: which holds out to them in the most inflammatory language, the danger of Scotland being over-run by foreign troops, as the only object against which they ought to guard; and what foreign troops? Not the troops of France, the only foreign enemy whose invasion we had to defend against, and to whom, from beginning to end of this paper there is not the most indirect or distant allusion, but foreign mercenaries, as they are termed, an expression, of which, on reading that paper, not a soldier in the ranks could mistake the true meaning. To render the meaning still more obvious, these foreign troops are described to be such as have in times past shed the blood of our ancestors, and immediately is introduced the cruel massacre of Glencoe, where the troops of King William were guilty of an act which has fixed a stain which will not be soon removed from the annals of this country. They were not French troops then, but men in the situation of King William's troops; foreigners

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indeed, but auxiliaries, and who alone could be introduced into this country in the hour of extreme danger and the last necessity, and by the authority of Parliament, whom, under the appellation of foreign troops and foreign mercenaries it was to guard against, and whom alone the author had in his eye, when he composed this printed address to the Fencibles. Will you be of opinion that there was nothing seditious in this paper, when you find the parties themselves concerned in the publication of it, conscious of their danger? Remember the evidence given by Watson, who told you that while he was standing in a shop in the Lawn Market, he saw Downie pass by, and having the curiosity to inquire after that paper or hand bill, he followed him and asked for it. This curious gentleman is a Friend of the People and lived at Dalkeith, where 300 of Lord Hopetoun's Fencibles were at that moment quartered on their march to England. Downie tells him "I have none of them, but I will take you to a place where you may get them." Where do they go? Watson could not or would not swear to the person of the prisoner; but he says, that Downie carried him to the house of a man who lived a little below the North Bridge, the very place where Watt lives; that after remaining there a few minutes, Downie and he came out. He says he did not hear Watt say any thing, or direct them where to go; but he admits, understanding he was going to have his curiosity satisfied, which had not been done at Watt's house, as Downie had led him to expect: That they went directly from thence to Montgomery's shop, on the South Bridge, where Kennedy, a person who absconded the evening after Watt was seized, and who after every exertion remains concealed, and has probably by this time escaped beyond the reach of the justice of this country, went with Downie into the back shop, and in two minutes they called Watson in, when Downie threw a parcel down upon the floor, and said, he would not give it him, but desired him to take it up, adding, that "if any body asks you how you came by it, tell him you found it." For what reason Mr Downie was not

not to give the parcel to Watson, but he was to find it, I leave, Gentlemen, to your own consideration; the parcel contained a number of copies of the address to the Fencibles, which Mr Watson admits, he lost no time in distributing at Dalkeith, and one of which we have traced out of his hands, directly and completely, to the person of Serjeant Hardy, who produced and identified the copy, and which is proved to be the same as those struck off by order of the Sheriff, from the font of types discovered in Watt's house, and is the very paper. Is it possible you can ask, or expect greater evidence of guilt? My brother stated, that the circulation of this paper, if it was criminal, was a crime against martial law, and deserved severe military punishment. Watt is not a soldier, and I am not trying him for an offence by martial law; but I am trying him for High Treason, and as a circumstance shewing his guilt, I have proved him to be the man to whom Downie directly went for the papers Watson asked for, and these papers are found to have been imprinted and cast off from the font of types discovered in his possession: I found on this circumstance, among a variety of others, as convincing evidence of Watt's treason; and I maintain that the whole of them completely disproved the defence set up for him by my brother, that the plan was an absurd, idle rhodomontade; on the contrary, that he and his associates were engaged in a serious deliberate scheme of addressing the King, compelling him by force to alter his Government, and of exciting and raising an insurrection against him.

But the evidence of Fairley is of itself decisive of his guilt; and, if the circumstances he has sworn to, and in which he is completely confirmed, can, upon the part of Watt, be reconciled by you, to the idea that he was in jest, and which, from the first moment I knew them, to the present, I have reflected on again and again. I am bold to say, with every possible wish to excuse, in my own mind, the conduct of a man, to whom I once looked with a favorable eye, and on whom my duty, as a servant of the Crown and the

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the Public, led me to bestow confidence, but without my ever being able to do so, if you can still teach me how to believe him pardonable, innocent of the Treason, and that he was not compleatly determined in the scheme he had proposed, instruct me in that lesson, if you can, and, most truly and sincerely will I thank you. He sends Fairley to the west country, and upon what errand I need not remind you, nor of the reluctance with which Fairley was compelled to speak out. He corroborated, in every thing, what Bonthron and M'Ewan had formerly told us, except the circumstance of seizing the banks and public offices, which, though questioned for half an hour, by my brother, the Solicitor General, he swore, after repeated cautions, that he did not remember any thing about; and yet, after having left the Court, he voluntarily came back, and declared, upon recollection, he remembered that also. He proves, that he was directed by this Secret Committee, to advise, in the different towns he visited, the establishment of Collectors, to levy, and remit to the Committee of Ways and Means, money to carry on the Great Cause; and, although he admitted, that he did not know even a single person in the various towns and villages to which he was sent, it is singular that he stumbles upon the Friends of the People, and the most active ringleaders of the British Convention, wherever he goes, and is by them courteously entertained, and received with open arms.

What does Dr Forrest state? He states, what if any doubt could remain in your minds, as to the seriousness and guilt of this conspiracy, must completely remove all hesitation; and which of itself, is a damning circumstance to the prisoner at your bar: He states, and he stated it with a reluctance, which shewed he did not wish to load the prisoner, very much the reverse, that Mr Fairley did communicate to him written instructions that they should provide themselves with—what? A blank followed, which Forrest understood to mean—arms: That an insurrection was soon to take place in Edinburgh; that the soldiers were either to be disarmed,



armed, or brought over to join the insurgents; a circumstance, which tends also to show, for what purpose, and with what intention the address to the Fencibles was composed and circulated, and which proves Watt and Downie's confidence in the probable success of the wicked and treasonable understanding, in which they were engaged.

From whom does Fairley receive the money, necessary for defraying the charges of this treasonable embassy? He gets a line, I think from Bonthron, addressed to the prisoner, who consigns him—to whom? To Downie, the treasurer of the Committee of Ways and Means. From whom, and in what circumstances and manner does he receive his instructions? Watt directs him to a shop in Edinburgh, kept by one Campbell, a hatter, one of the same kidney with themselves; and, on the counter, Mr Fairley finds a parcel lying, which he immediately takes up, and carries away with him, in order, I presume, that in the event of his being questioned regarding its contents, Mr Fairley might, by the same ingenious device practised with Mr Watson, be enabled to satisfy his conscience in denying that he had received it from Watt, tho' in truth it came from Watt alone. He goes as far as the Queensferry, ere he opens this parcel, which was to direct his whole journey; and he finds instructions, of a direct treasonable purpose, and a parcel of printed papers, directing, among other things, the societies in the country to appoint Collectors over every fourteen or fifteen persons, who were to conduct and superintend their proceedings. Dr Forrest swears to the same thing pointedly, and tells you what this institution meant; That these Collectors were to be appointed over small divisions of fourteen or fifteen people, for the pretended purpose of collecting money and sentiments, but chiefly to act as commanders in the proposed insurrection. Thus were you to have a system of insurrection established, which, if such a plan could ever be carried into execution, did ample honour to the ability of the contriver; for it was not a plan, partial in its nature, and contrived to excite tumult and disorder in one city or district alone;

alone; but a conspiracy, calculated to include all Scotland, at least, and constructed in the best way to insure success, when carried into execution. It is proved, that the societies were to be previously sub-divided into small bands or detachments, from twelve to twenty, each headed by their collector, who, when the moment of insurrection arrived, was to act as their leader: That these collectors were again to meet in a separate body, with a preses at their head, who was to communicate with the Secret Committee of Ways and Means, and receive, and convey to the other collectors its directions and orders. The reason of vesting this Secret Committee, with that supreme controuling power which they are proved to have possessed, is now obvious. A conspiracy of this magnitude and extent, could not be conducted and managed, unless such a small number was placed at the head of it, as could ensure secrecy, till it was ripe for execution; unless these men were vested with uncontrouled powers, unless they had devised a mode of setting the machine in motion in a moment, and of conveying, instantaneously and suddenly, through proper channels, to the multitude, without whose prompt co operation, it could not succeed, the steps they were to take, and the orders they were to obey. By the means proved this evening before you, did this Committee, not unreasonably hope and expect, to make the people, not in this city and country alone, but throughout Scotland, for aught we know, perhaps in London, and all the towns in the kingdom to operate under them, as it acted upon by one mind, whilst the scheme itself was safely confined to the breasts of the Secret Committee, and was only divulged in the moment of its bursting into rebellion. Such is the conspiracy, the particulars of which have been fully laid before you, which was to have been acted upon, in the way I have stated, and to the extent I have just now observed.

In reviewing the evidence, I had almost omitted mentioning the circumstance of arming, which, though hardly necessary to the establishment of his guilt, is indisputably, and direct-

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ly brought home to Watt. What purpose could he have in view, in providing those dangerous and extraordinary weapons? He said, for the purpose of merchandise. Did the countryman, Orrock, believe them intended for the purpose of merchandise? No. Did Brown believe it? No. By whom were they paid? By Downie, the treasurer of the Committee of Ways and Means, the self same treasurer who received and disposed of the money for the advancement of that Grand Cause, which was to be carried into execution, by means of privately and secretly arming the Friends of the People, under different false pretences, unnecessary for me to recapitulate, but in truth, for the purpose you have heard so fully and distinctly proved this evening. Brown tells you the manner in which he was first employed in this new manufacture; and under what suspicious circumstances, Robertson the schoolmaster prevailed upon him to undertake executing the order, which is proved to have come from Watt. I shall not dwell on the evidence of Orrock, confirmed as he is, by a variety of witnesses, further than requesting you to give due weight to the orders he received, for fitting his instruments all to the same crew; and the complaints made by Mr Watt, and his emissaries, that his first productions were not sufficiently sharpened. It is proved also, that Orrock finding, on an accidental conversation with Brown, that he was also employed in the same business, took alarm at the hidling way (to use the witness's own words) in which the manufacture was going forward, and had resolved to give it up, when the discovery prevented him. Is it not proved, that Watt went, of his own accord, to Orrock, and desired this man to say, if any person asked him what these instruments were intended for, that they were making for the top of a gentleman's gate? And can you, Gentlemen, in the face of all these, and every circumstance in the conduct of this man, believe for a moment, that these arms were intended as merchandise, or for the purposes of legal self defence? I know you cannot; Your oath, and your conscience will not permit you.

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I have gone through, I think, every thing which appeared to me necessary to observe in general on the evidence : I regret I could not say it in fewer words. Last of all comes the defence he has stated, and instructed his counsel to maintain, upon a former connection with the Secretary of State for the home department and myself. That he volunteered in forming this connection is admitted by himself ; is proved by the copy of the letter which was found in his own possession, and which, without objection on our part, he gave in evidence, and it is corroborated by the letter of Mr Secretary Dundas, of the 5th of September, which appears to have been its answer. For having given him my evidence, and having waved any privilege which I understand would have authorised the Attorney General of England to have refused it, I take no merit ; it was my duty to give this man, circumstanced as he and I once were, the benefit of my evidence upon oath, since he considered it as material, and to tell you every thing I know regarding him. You have heard my evidence, and upon that subject it is impossible I can say one word. You will consider whether it is within the bounds of the most distant probability to believe the story he has instructed his Counsel to tell for him, that he meant to communicate in due time to me or the Ministers of this country, the designs of these men, and that he was only watching them for the public good. From the month of July, most assuredly since the month of October last, he chose to discontinue his attendance upon me ; though the proceedings of that period were sufficiently momentous, and such as to call for both his attention and mine. He says, I went to London in March, and since that could not see me : and as the proceedings of the Convention were printed in the Edinburgh Newspapers, his more early attendance was unnecessary. But a letter would have reached me in London in three days : and you are at full liberty to sustain, if you can, as sufficient, the apology he has offered for his absence from October to March, whilst he and I were resident in this city, and when he was sure I was ready to receive

ceive him with any communication he chose to give me, and which, as a faithful servant of the King and of the country, I felt it my duty to receive from him. Can it be doubted, after what you have heard this night, that he was the principal actor and prime mover of all these plans, conducted with an artifice and cunning I hardly ever knew equalled, and is it within the reach of the most charitable credulity to believe he was there for the purpose of giving information to government? and with what other purpose, or from what motive, he conducted these proceedings, and took the lead in these counsels, it is for you to determine, hardly necessary for me to hint at or enquire; but whether he did it in order to keep well with both sides, and ultimately prefer that most likely to prevail, the most charitable and advantageous view you can take of his conduct, or whether recurring to the original habits, or being misled by the conversation of those with whom he associated before he wrote to Mr Dundas; whatever may have been the cause of the alteration of that line of conduct, I know of no circumstance occurring in that period, nor have I heard any argument deduced from it, which so far from extenuating, does not to my mind aggravate the guilt which has been so distinctly made out against him. If he states that which cannot be seriously stated for him, which my brother's discernment would not allow him directly to state, though the inference necessarily flowed from his argument, that in all this he was playing the part of the spy and informer, that he was gradually leading these men into the criminality of a scheme of treason for their ruin, and for his own advantage, I ask you, Gentlemen, will the utmost exertion of mercy on your part admit of your swallowing so incredible a story, or reconciling it to the active share he had in this business? If you can do so, good God, what opinion are you to form of the man before you, who could coolly and deliberately devise such an infernal scheme, from which human nature revolts with horror: a scheme which was calculated to involve innocent, or at least deluded men, in the most certain and and dreadful ruin,



whose lives he was to sacrifice to his own fordid views of advantage! No, Gentlemen; guilty as this man is against the life of his Sovereign and the existence of the State, he neither is nor can be guilty to such a horrid extent as this defence would involve him. When you find him persevering with his associates in this conspiracy, long after he had full opportunities of discovering it; when you find him, long after the measure of iniquity was full, and the treason of those it is supposed he meant to betray, perfectly complete, not only concealing the consultation, which of itself was sufficient for that infamous purpose, but acting upon it in every particular, and devising and executing every step which could lead to serious execution, and insure its being successfully carried into effect; I leave it with you to consider if you can, like honest men with the oath of God upon you, and with justice to your country, listen to and believe, so absurd, so incredible and so shocking a defence.

Gentlemen, painful and severe as the task is which the law and justice of your country imposes on you, I know that if necessary, you will not shrink from performing it. In this, as in every other case, you will, in presence of your God and your country, return a verdict according to the evidence, which, in this case is so clear and satisfactory, that it is impossible for me to discover where you can have the smallest doubt. The reasons for being of that opinion I have fully laid before you. If on these we differ, it is your right and your duty to acquit him of the charge, and I shall be sincerely happy if you can do what, I repeat again, it has not been in my power, after the most anxious and painful reflection to bring my mind to. But the verdict is yours, not mine, and for its truth and its justice you alone are answerable. Be that verdict what it may, sure I am it will be that of honest men; you will do what appears to you consistent with truth and with justice, you will do that which will satisfy your consciences in every future hour of your life.

After



After the LORD ADVOCATE had finished, the LORD PRESIDENT then addressed the Jury as follows :

GENTLEMEN OF THE JURY,

IN consequence of an indictment found against this prisoner, by the Grand Jury of the county of Edinburgh, upon a charge of High Treason, he now stands trial for his life; and the proofs on both sides being closed, it remains with you to consider, and by your verdict to declare whether that charge has been sufficiently made out against him, yea or not.

I need scarcely observe, that this is a trust of a high and important nature, which is reposed in you by the laws of your country, and that of course you must feel yourselves bound as honest men, by every tie of duty and of conscience, to discharge it with strict fidelity, by returning a verdict according to the truth of the case, and the conviction of your own minds, without regard to any other consideration whatever.

In order that you may be enabled so to do, it is necessary in the first place, that you have a distinct view of the law of treason, I mean that branch of it which is connected with the present subject; and in the next place, that you take into your most deliberate consideration, the whole amount of the evidence, and every circumstance attending it, whether it be for the prisoner or against him.

With regard to the law of treason much has been said, and with great ability, by the gentlemen at the bar, but as it could scarcely be expected that they should be at one in their conclusions, it is my duty to lay a state of it before you, which I hope will appear to you not to be attended with much difficulty.

It must be obvious to you, that the King stands at the head of the Constitution of this Country. The Executive Government is placed entirely in his hands, for the due execution

execution of which the Ministers chosen by him are responsible.

The King also forms one branch of the legislative power, which you know is composed of three estates, King, Lords and Commons; so that in more than one capacity, the King is an essential and integral part of the constitution, without which it could not for a moment exist. Indeed no part of the system can be disturbed or incroached upon, without manifest danger to the whole.

Of late, great pains have been taken to introduce among us the odious terms and distinctions of *Aristocrate* and *Democrate*. But, Gentlemen, no good subject of this country is either an Aristocrate or a Democrate; he is both the one and the other, and a Royalist too. Every British subject enjoys the protection of the King's Government as defined by law, and on the other hand, he owes the duty of allegiance to the Sovereign as inseparable from his condition; and being the subject not of an absolute monarchy, but of one which is limited and circumscribed by law, his rights, and his liberties, religious and civil, are completely secured.

You have heard a great deal about another distinction. Some men have affected to call themselves the *Friends of the People*. Friends of the People! Gentlemen, if by that term is meant that those assuming it are friends of the whole, that is, friends of the King and of all ranks of men in this country without exception, then it may be allowed that they are good subjects and friends to the constitution; but why they assume to themselves exclusively, a name which ought equally to belong to every British subject, one is at a loss to see. If on the other hand, their affection be only partial, if they come with friendship in the one hand and daggers in the other; if they mean to adopt only one part of the constitution and to reject another, then may it truly be asserted, that they are the bitterest enemies the people of this country ever saw.

Gentlemen, what a wretched delusion is it that has taken possession of the minds of many men in this country, who

say



say that they want *Liberty*, when their own proceedings are proof of the reverse, and who think their condition is to be some how made better, and their situation to be amended by what? By the destruction of Government, by the introduction of Democracy, and establishing a French Convention in this country, which would be the infallible consequence of their measures, were they to take effect.

But, Gentlemen, without going farther upon these general topics, I now come more closely to the point in question.

It has been explained to you by the council at the bar, that the law of treason which we are to judge and act upon, is the English law, which was made ours in consequence of the Union in 1707; and it surely cannot be a *part* only of that law, as thrown out by one of the Gentlemen, but the *whole*, which we have adopted; because it is now impossible that the law of treason can in any particular be one thing in England and another thing in Scotland.

The statute of Edward III. like most other laws of an ancient date, being concise and shortly expressed, we must have recourse to the explanations which it has received by a variety of adjudged cases, and eminent authorities in the course of four centuries.

Gentlemen, to compass the death of the King, if such compassing be manifested by any overt act, is by the express terms of the statute itself, High Treason; but what is or is not a sufficient overt act, within the intent of the statute, must always be open to inference and construction, according to the circumstances of each case as proved; for the statute does not say precisely what is an overt act, but it says, to compass the death of the King is treason, if accompanied by some overt act. The mere compassing or imagining the death of the King, so long as it remains an act of the mind only, cannot be reached by proof, and is not a proper subject of trial; but if it be manifested by a positive act, such as conspiring, plotting, forming plans, or providing arms, &c. these



these are circumstances capable of proof, and we must accordingly enquire into the nature of such circumstances, and see whether they do or do not amount to that which in the construction of the statute, has been held sufficient as an overt act, to prove this branch of treason, although the design may not have been carried into full effect. The different authorities from the law books have been read to you from the bar, particularly those of Lord Chief Justice Hale and Judge Foster, upon that part of the law. They amount to this, that so much care does the law take of the personal safety of the King, that it is not confined to such attempts as are directly aimed at his life, but is extended to those whereby his person may be *endangered*; and therefore, says the last of these authors, "Every insurrection which  
 " in judgment of law is intended against the person of  
 " the King, be it to dethrone or imprison him, or to oblige  
 " him to alter his measures of Government, or to remove  
 " evil counsellors from about him, these risings all amount  
 " to a levying war within the statute, whether attended with  
 " the pomp and circumstances of open war or no; and every  
 " conspiracy to levy war for those purposes, though not  
 " treason within the clause of levying war, is yet an overt  
 " act within the other clause of compassing the King's  
 " death, for those purposes cannot be effected by numbers  
 " and open force without manifest danger to his person."  
 The doctrine is there laid down in plain and intelligible terms, which apply very closely to the present case, viz. that a conspiracy to levy war for the purpose of compelling the King to alter his Government, whether there be any direct intention of killing him or not, amounts to an overt act of compassing the King's death, in the sense of the statute.

• It is very true that there may be risings of the people for the purpose of obtaining redress of grievances of a certain kind, such as to obtain a repeal of particular laws, or for obtaining other ends of a public nature, which do not, in the

the construction of law, amount to an overt act of compassing the King's death, there being no view to the disturbance of Government in general, or to bring the King's person into hazard; which risings however, if they do take place, are held as constructive treason, on account of their dangerous tendency, though a bare conspiracy or plan to effect such a rising, is not held to be an overt act under the first branch of the statute. But a conspiracy to rise in rebellious war against the King and his Government, for the purpose of new modelling or altering the frame of the Government, which necessarily includes the King as a part of it, or to usurp the powers of Government and Legislation, which of course must supercede the authority of the Sovereign, at least during that period; such conspiracy, I say, must be held as an act of compassing the King's death, and is High Treason, by the plain sense of the statute, and upon every construction it has ever received; for it goes virtually and necessarily to a deposing of the King, by depriving him of his royal authority and functions, which it is the King's duty to resist by force of arms, and he is even bound by his coronation oath so to do, as he must govern by the existing laws and constitution of the country; so that in such a case his life must be put into the most imminent danger, and civil war must be the consequence. If such a design is carried into execution, the country is in a state of rebellion, and the King's person and Government directly invaded. A conspiracy therefore to put the country into that state, must be a treasonable conspiracy of the most dangerous kind.

In the present case, a number of overt acts are laid in the indictment, which seem to be of the nature that I have stated, they are divided into no less than eighteen different articles; but I think several of them may be compressed into one, and they will appear more simple, when they are classed under fewer heads, such as the following:

First,—That the prisoner, along with others, conspired, consulted, and agreed to procure a meeting to be held, under the name of a *Convention*, for the purpose of usurping



the powers of government and legislation, redressing alleged grievances, and bringing about certain changes.

Secondly,—That the prisoner and others did meet, consult, and agree, about compelling the King, by force of arms, to alter the measures of Government, to introduce new laws, and to comply with certain demands.

Thirdly,—That they consulted and conspired about seizing the Castle of Edinburgh, attacking and surprising the King's forces, and taking possession of certain public offices, and certain persons in authority.

Fourthly,—That he and others, instigated and excited a number of persons to assist in their measures, employing one Fairley, to go about as an emissary, to divers parts of the country, to collect money and opinions; and that, in prosecution of the same measures, they caused pikes, spears, and other warlike instruments to be provided, to enable them, forcibly to resist the King and his government.

Gentlemen, if these acts, or any of them have been proved against the prisoner, it will then be necessary for you, to deliberate upon the effect of such proof; but first, we are to examine what evidence has been adduced for substantiating the different branches of the charge.

As to the first, viz. the project of a Convention, to usurp or controul the powers of government and legislation, a doubt was stated from the bar, whether it could apply to the case of the prisoner, who was no member of the Convention held at Edinburgh, which was dispersed in December 1793, without being followed by any subsequent Convention. But it has been clearly proved by M'Ewan, Bonthron, Fairley, and others, that the prisoner, within a very short time after the Convention at Edinburgh, called the British Convention, was dispersed, became a very active and zealous member of a certain committee, or sub-committee of the Friends of the People, called the Committee of *Ways and Means*, the object of which was to raise money; and Aitchison, who was one of the members of it, has expressly sworn, that one of the purposes, to which that money was to be applied,



applied, was "to pay the delegates to a future Convention, to be held somewhere in England." The existence of different societies, both in England and Scotland, for the ostensible purposes of reform, but truly for controlling and overawing government, such as the Corresponding Society in London, the Friends of the People at Edinburgh, &c. is clearly instructed by written evidence, viz. their minutes, and letters of correspondence, which also pretty clearly point out what their ultimate objects were, and that a more general Convention was in view, to consist of delegates from all the particular societies, and consequently *to act by Representation, and to treat of matters of state*, a priviledge which belongs to no other body, except the Commons of England in Parliament assembled, who, by the nature of the Constitution, are represented from the boroughs and counties.—Delegates, met in a Convention, for public purposes, and to consult upon public measures, while we have a King and Parliament, cannot possibly exist, without introducing a new power into the State, paramount to that of Parliament itself, and consequently adverse to every idea and principle of the Constitution. The circumstance of this prisoner's being a member of the Committee of Ways and Means, and the active assistance which he gave in carrying on the business of that Committee, must leave in your minds, very little room to doubt of his accession to the project of a new general Convention. But if you have any doubt of his guilt, in this particular, it will be your duty to lean to the favourable side, and to lay this branch of the charge out of your view, which, however, will be of no material consequence to the prisoner, if you are of opinion, that the other overt acts are sufficiently proved against him.

It is stated, under the subsequent heads, which, (in viewing the evidence,) may be taken together, That they did, in fact, meet, consult, and agree about compelling the King, by force of arms, to alter the measures of government, to introduce new laws, and to comply with certain demands, with a view to which, they also consulted and treated about

the necessary means of carrying their plan into execution; such as seizing the Castle of Edinburgh, the public offices, &c.

The proof of these facts arises, chiefly from the evidence of some of those very men who assisted in the deliberations. Aitchison is the first witness upon this part of the charge. He was a little sparing of his words, and he seems to have proceeded with caution. He was told by the prisoner, "that something of importance would soon be upon the carpet;" and he also heard, out of doors, "that some secret business was to be before the Committee, for which reason, as he acted upon public grounds, he did not chuse to attend their meetings any longer."

The next witness, and a very material one, is McEwan, who was himself a member of the Committee of Ways and Means, and had occasion to be at the meetings of that Committee, where the prisoner attended. He states, that at one of these meetings, consisting of Stock, Downie, Bonthron, the witness himself, and the prisoner at the bar, the prisoner took a paper out of his pocket, which he read; that it contained a plan for seizing upon the Lord Provost of Edinburgh, and the Judges; that, in order to draw the soldiers out of the Castle, a fire was to be lighted at the Excise Office; that certain persons were to be stationed at the Weigh-House, and other places, and the soldiers were to be surrounded by them; that they were to seize on the Excise Office, and Banks, and to demand money of the bankers. As to the design of seizing the Castle, this witness is silent, but, in speaking of the attack to be made upon the soldiers, when they were drawn out, he says, he was told what was to be the mode of doing it, which he describes; and, that the prisoner, after having read this paper, made some corrections upon it with his pen, which seems to denote, that he himself was the author of it, or that he had a right to use that liberty with it; and he then put it up in a press, in the room where the company were. The witness goes on to state, that, on another night, in the  
same



same house, he and Downie being present, the prisoner read another paper, containing a notice, in the form of *Proclamation*, (one of the highest exercises of sovereign authority) which was to be made, "for the purpose of intimating to  
 " the farmers, to bring all their grain to market, and for  
 " the gentlemen residing in the country, not to leave their  
 " houses, or at least not to go more than the distance of  
 " two or three miles from home;" and he adds, that there was the form of an address to the King, "to dismiss his  
 " ministers, and put an end to the war with France, for,  
 " that if he did not, he must abide the consequences, or  
 " that worse consequences would ensue."

He further states, that the prisoner conducted him to the shop of Orrock the smith, with whom he had a conversation about making pikes: That Orrock drew a model upon the table, and the prisoner desired him to be busy about them, for that he was to send four thousand of them to Perth, besides what were to be distributed at Edinburgh. That the witness was in Orrock's shop, when Lord Swinton's servant came in, and observing one of the pikes, asked what it was, and Orrock said it was for a Gentleman's gate.

This extraordinary narrative, was given by the witness with great clearness and precision, and in such a manner as must have carried conviction to your minds, of the truth and candour with which he spoke, and at the same time of the alarm which he was under, he himself having expressed his dissent to any measure by which the blood of his countrymen might be shed.

I cannot bestow the same encomium upon the next witness, who spoke to the same facts, viz. William Bonthron, who, after a good deal of hesitation, and with the utmost difficulty, acknowledged that he heard the paper read by the prisoner, and in substance concurred with the preceding witness, as to the tenor of it, with this addition, that he believed it contained a plan for seizing upon the Castle. This witness, in the same way with M'Ewan, appears to have been very much alarmed indeed; he says his confusion was such,  
 that



that it deprived him of the power of recollection, and he seems desirous that this should account for the manner in which he gave his evidence. That the witness was averse to the plan, is evident from the circumstance of the Advertisement which he drew out and signed, though for reasons given by him, he did not actually publish it in the newspapers.

The next is Fairley, whose evidence is extremely material, for you will recollect that he was employed as an ambassador to go to different parts of the country, upon the business of the Committee of Ways and Means, with written Instructions from them, which he got from the prisoner. He, with no small reluctance and hesitation, gave an account of this mission, of the places which he went to, and some of the conferences which he had with the persons to whom he was directed, particularly at Stirling. That his instructions bore something about a *grand plan*, "which might be what the prisoner had previously informed him of," meaning the plan already mentioned, of seizing the public offices, &c, which he said Watt told him might be accomplished without bloodshed, "as it would be enough to speak to the soldiers, who would be as glad of freedom as the people were." He refers also to the report which he made to the Committee of Ways and Means, a paper of a very curious tenor, some parts of which were read to you. His evidence, so far as regards what passed at Stirling, is corroborated by that of Forrest the surgeon, whose difficulty in speaking out was no less remarkable.

Gentlemen, this is a concurrence of several witnesses, to the very material circumstances of that plan or project, which was read and proposed by the prisoner Watt. There is one thing in Bonthron's evidence which struck me at first, as tending to create a doubt whether the paper read by the prisoner contained any serious proposition to the effect mentioned in it, the witness himself affecting to consider it, as mere *phrenzy*, or as no more than a chimerical suggestion of what was *possible to be done* in certain circumstances.

But

But I am afraid there are other parts of the evidence which leave little room to doubt of the seriousness of the plan. M'Ewan and Fairley speak of it as a plan formed, of doing those things which the writing specified; and the procuring of arms for the express purpose of making some such hostile attempt, which arms were bespoke by the prisoner himself in person, as swore to by Orrock and others, is a circumstance which seems to be conclusive upon this head. The whole, I am afraid, hangs together; the parole and written proofs all go to one point against the prisoner, and those with whom he associated; that they were employed in carrying on certain measures, unquestionably hostile to the King and Government, and calculated for nothing less than by forcible means to overthrow the government of this country. The providing those dangerous weapons which lie on your table, the mystery and disguise which appear in some of their minutes, and the blanks in Fairley's journal, are so many circumstances of *real evidence*, which speak a language still more forcible than the direct testimony of witnesses.

With regard to the evidence brought on the part of the prisoner, founded on his correspondence with the Lord Advocate, I confess it did not appear to me that it was very judicious in him to state that defence, at least as far as I could understand the result of it; for though it appears, that there was at a certain period such a correspondence, it is equally clear that all communication ceased when the Lord Advocate either had become suspicious of the truth of his information, or did not chuse to comply with his demands; after which we find the prisoner going, with great activity and zeal, into the most destructive and hostile plans. Whether his conduct in this particular was actuated by resentment, or by what other motive, it is not worth while to enquire.

Such, Gentlemen, being the amount of the evidence, you will weigh all the circumstances, and all the observations which have come either from the Court or from the bar, as well as those that occur to yourselves upon the various mat-

ters.



ters which have been proved before you. If it appears to you that the prisoner and those with whom he associated, have not entered into any undue combination for effectuating those illegal and desperate purposes which are specified in the indictment, or any of them, it will be your duty to find a verdict in his favour.

But if, on the other hand, you think there is sufficient evidence of his having been accessory to, and an active person in forming a most dangerous and destructive plan of raising insurrection in the country, seizing upon the Government by force of arms, compelling an alteration of measures, in short, conspiring to overturn the constitution, and to involve us in ruin, misery, and bloodshed, I need not tell you what your duty is as honest men, and that you are bound by the solemn oath which you have taken, to return a verdict agreeable to the truth.

If the case be in your opinion doubtful in point of evidence, you will naturally be inclined to the merciful side; but if it be not doubtful, your own sense of duty will dictate to you the verdict you ought to pronounce.

The Jury then withdrew for about ten minutes, and brought in their verdict—GUILTY.

## APPENDIX.



## APPENDIX.—No. I.

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*The following DECLARATION, was put up under a sealed cover, addressed on the out-side to JAMES CLERK, Esq; Sheriff-Depute, Geo. Square.—In the inside of the cover was written the following Letter by Robert Watt to him;—*

SIR,

THE inclosed papers, with another parcel, containing fundry miscellaneous letters and papers, I commit to you; requesting they may be transmitted to Principal Baird, and the Rev. Mr Jones, to do with them as they may find proper. The little emoluments which may arise from them, I am persuaded they will give to Binning who attended me.

My watch and my clothes, and any little effects I may leave behind me, I request them to be given to Mr James Stalker, at Mr Wilson's, baker in Crosscauseway, to whom I owe money *per bill*; and to whom I gave a disposition to these and other effects, before my condemnation. I have the honour to be,

SIR,

Your obed. humble Servant,

(Signed) ROB. WATT.

Edinburgh Castle, }  
O<sup>r</sup>. 14. 1794. }

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WE, who are referred to in the above letter, and who subscribe this note, do hereby ATTEST, that the contents of the following Declaration are transcribed *verbatim* from the manuscript of Robert Watt, transmitted to us by the SHERIFF.

GEO. BAIRD.

T. S. JONES.

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## DECLARATION, &c.

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AS the best service I can now do to religion, which I have injured by the unhappy conduct which has brought me to my present unfortunate situation,—to my Christian acquaintances, whom I particularly esteem, and by whose company and conversation I have been both improved and comforted;—and to my country, for which I have had more than ordinary attachment, I shall give a general, but concise history of the most material part of my life; and disclose fully the unfortunate circumstances that have been the cause of terminating my life in such a melancholy manner, in the middle of my days.

Having but four days before I am absorbed in eternity, I hope that what follows will be received as the truth.—In the view of such an awful prospect, it cannot be supposed I can have any interest whatever to conceal it.

No sooner is the soul separated from the body, than she is disconnected with the pursuits of mortals, and enters an hitherto unknown scene,—and her powers of perception and communication are then enlarged, in proportion to the sublimity and grandeur of the objects exhibited to her view. With astonishment and prying curiosity, she travels over the vast expanse of the heavenly Jerusalem, collecting from the most ancient and intelligent of its inhabitants, every information they can communicate of the mysteries of Providence and redemption, while she seems, as her knowledge increases, to rise in her accents of praise.

I was influenced by religion when very young. A reflective discovery of the goodness of God, in his interposition  
when



when in very imminent dangers, and of my ingratitude (I exceeded my companions in youthful follies, but could never bear swearing,) first led me to cry for mercy. My convictions were exceedingly strong; so that I would in the space of two hours be three or four times at prayer, drowned in penitential tears. I have always found, that my penitential joy was in proportion to my contrition for sin. For a long space of time, I was not a day (if I remember right) without assurance of a saving interest in Christ; and, at times, my feelings and views were more like an heavenly, than an earthly inhabitant. On such occasions, I had inexpressible discoveries of the infinitude and holiness of God, and of my own vileness. I wondered, admired, adored, lamented, and rejoiced at one and the same time.

No sooner did my convictions take place, than I was, as it were, compelled to allot some particular hours every day to reading the Scriptures, meditation, self-examination, and prayer. These hours I found to be the life of my soul. I learned, from experience, that faith must be the gift of God. That I could as soon take up my personal residence in the sun, as truly believe in Christ, or fix my heart on him in the exercise of faith. This unbelief and treachery of heart drew tears of sorrow from my eyes.

Though my pleasure in religion was great, my grief from Satanical suggestions and a depraved nature was also so. I was strongly tempted to despair and suicide; but He who keepeth Israel preserved me amidst these storms.

Religion did no sooner operate on my mind, than I hated the ways of sin, and the company of the profane; and sought, according to my then knowledge, the company of the wise and good. Though my pleasure was particularly in devotional exercises, and in such company; yet I spent a great part of my time, in boyish pursuits and pleasures, with my school-companions; but in these, my devotional frame of mind never left me,—and how soon I came home, I retired by myself, and wept over my vanity of conduct.

Even in school, the thought of my crucifying the Lord



of Glory by sin, often bathed my eyes in tears, and impelled me to pray with my head leaning on a table.—The sense of his love, and the injury done him, produced in me a zeal for the salvation of others—to such a degree, that I established the worship of God in some families I lodged with, who never had it before.—I was often surprised to see the same effects not produced on the minds of others in reading the scriptures, &c. as on myself.—But this arose from my ignorance of the sovereignty of God.

As I advanced in knowledge, my high enjoyments were the less frequent; and the instability of my mind in exercises of devotion became more and more perceptible.—These soul exercises, less or more, have continued with me amidst grievous provocations, and sore backslidings.

I shall now proceed to state the causes of my backslidings, so far as I can trace them.

A reserved disposition, founded on pride, seems to have been my constitutional sin.—In my earliest youth it discovered itself, by taking pleasure in vexing my guardians when they crossed my inclination. I was so much under the influence of this base passion, that more than once I gave them the greatest alarm and vexation of mind, by concealing myself, and previously saying that I would put an end to my life by personal violence; and enduring sore personal chastisement without disclosing any secret intrusted to me.

Sometime after I knew the grace of God, this passion disappeared; yet it was not destroyed—but manifested itself in opposition to the inclination of my friends to send me abroad.

My friends proposed to send me either to the East or West Indies, but refusing to comply on the ground of a weak constitution; but the true motive with myself was a fear of not enjoying the means of Grace.—After which they proposed to send me to London; but not executing this proposal in the time I wished (though their delay undoubtedly proceeded from the best of motives,) I resolved to act independently of them. Accordingly, I came to  
Edinburgh

Edinburgh in the year 1786, where I remained for a considerable time without their knowledge, and got into business without their assistance.—So far was my vanity gratified.

Here I digress, and I beg leave to observe, though perhaps it may be unnecessary, That parents or guardians should be particularly careful to study the ruling passions of young persons under their charge; and, should they be such as tend to hurt their morals or blind their best judgment, to correct them by timely, proper, and wholesome instruction.—But above all things, they should study to learn the inclination of their mind as to business, and to put them early to it. Because this will give a full scope to the young mind in the pursuit of fortune, in a way consistent with his profession; whereas when not put early to business, they are apt to seek after her by indirect methods.

After I began business on my own account, I adopted every method that my ingenuity could suggest, to arrive at some eminence in society.

For one, I studied the dispositions and ruling passions of individuals; and, not having the gift of speech equal with others, I spoke but little when in company, lest I should either speak improperly, or hurt the feelings of another by interruption.

From what I have said, the reader will easily discern the following passions to have born rule in my conduct, *viz.* Pride and Ambition.

Pride is the fruitful mother of all the other irregular passions.—It was the origin of rebellion in heaven, and the thunderbolt that hurried Satan into the bottomless Pit; and stript innocent Adam of his original purity. Ever since, it more or less holds a place in every human breast.

It is capable of assuming various forms.—At times it assumes the garb of humility, rigidity, and moderation.—But none can trace its various evolutions so well, or discover its malignity, as the sincere Christian.—It may possibly keep him company in all his devotional exercises; and, even under



der the specious pretext of humility, may be apt to drive him from God, as judging himself unworthy of eternal life.

But its influence over me was remarkable.—I could not brook the idea to be indebted to any person for advice, even in difficult and doubtful cases. I therefore very seldom consulted any person, though many consulted me.—Had I acted the prudent part, I should have consulted intelligent and disinterested men, previously chosen.—The friendship and esteem of some such I have had the honour to enjoy.

Ambition.—Though this passion be the offspring of Pride, it is to be no less watched against than its source.—It blinds our best judgment by the appearance of utility, and is apt to drive to acts of injustice in the pursuit of the wished for object; while it is but a distrusting of, and a contending against divine Providence.—Influenced by this base passion, under the semblance of utility, I was induced to carry on a secret correspondence with Mr Dundas and the Lord Advocate.

This conduct, I confess, was altogether inconsistent with the spirit and design of Christianity, which requires the most unbounded simplicity, integrity, and love to my fellow creatures.

My first connection with the Friends of the People was in the year 1791, or 1792.—I several times attended the Committee which met in Mather's tavern; but would never subscribe my name, though repeatedly required to do it. This was the æra of my correspondence with Mr Dundas. Two reasons induced me to this unhappy conduct.—One, a love of the peace of society.—I apprehended, that if they were permitted to continue their meetings, the public tranquillity would be interrupted.—This opinion was founded on my ignorance of the many abuses in the administrative, —the offspring of corruption in the legislative branch of Government.—For when the legislative becomes more corrupted than the executive, there is an end of true liberty.—And that the people had a right to meet and deliberate on,  
and



and to obtain a redress of grievances.—The other reason, to obtain Mr Dundas's favour, that I might the sooner arrive at that station in society to which my views were directed. Some may imagine that I had personal hatred at some of the Friends of the People, but this was by no means the case.

Mr Dundas wished me to correspond with the Lord Advocate, and accordingly recommended me to him.—My correspondence with him continued to August or September 1793, when it was discontinued.

My mind being then changed in favour of Reform, I entered into the Committees of Union and Ways and Means,\* in order to co-operate with them to the obtaining of a Reform.—Naturally ambitious and enterprising, I was soon the leader of these Committees.—By my advice, the Committee of Ways and Means, or Secret Committee, was formed; and its regulations drawn up by me.—These regulations contained also directions to the Primary Societies, and to the Committee of Union.—The Circular Letter, though composed by Mr Stoke, was advised by me.—And though the Address to the Fencibles was not moved by me, I heartily approved of it.—All these papers I got printed; and the whole impression was dispersed, but the Address to the Fencibles, of which I knew nothing, after printed.

My plans, I doubt not, would, when ripe for execution, be effectual.—Bloodshed was what I abhorred from the bottom of my soul; they therefore guarded against that evil as much as may be. I shall here narrate them. Other persons, as Archibald Wright, weaver in Edinburgh, and — Craig, Perth, besides John Fairley, were sent at different times through the country, to sound the public mind, and to give instructions.—The intelligence brought me, from time to time by these persons, from every quarter of the kingdom, was more and more favourable. All their instructions were delivered by myself.—But such as I knew I could fully confide in,  
their

\* Of the Friends of the People.

their instructions went farther than those of others.—Indeed, at the time I was apprehended, there were but very few places, that information was not received from; and there remained almost nothing to do, for the execution of the whole, but a visit to England and Ireland, by intelligent and confidential persons.

The first movement was intended to be made in Edinburgh, London, and Dublin; while every town throughout the kingdoms were in readiness to act, according to the plan, on the very first notice, which was to be given by couriers dispatched by express.

The nature of the plan was this—A body of men, to the number of four or five thousand, were to be assembled in a place to be fixed on. These were to be armed with pikes, guns, grenades; to be properly divided, with proper leaders. In regard to Edinburgh, these were to be placed at the Gaelic Chapel, head of the West Bow, Tolbooth, or head of the High Street,—that when the Castle soldiers came out, they might be surrounded. In order to prevent bloodshed, means were to be used to gain as many of the soldiers as possible over to their side. The regiment was to be enticed out by companies. But, previous to this, the Magistrates, Lords of Justiciary, Commander in Chief, and many others in town to be selected, were to be apprehended; but to be treated, in every respect, becoming their station in life, and detained till the mind of the ensuing Convention, or rather Parliament, was known. There was no intention whatever to put any to death; but if found guilty of oppression and injustice to the patriots, to share a similar fate with them, *viz.* transportation.

The manner in which the soldiers were to be induced to leave the Castle was by means of a letter, either signed by the Lord Provost or Commander in Chief, previously in custody, ordering the Commandant to send a company, without any ammunition, to a fire that was to be kindled in St. Andrew's Square, under the pretence of its being a house on fire; and the said company to be secured and disarmed



armed in the meantime. The most of the remainder to be drawn out in the same manner, by means of fires kindled in succession in other quarters of the city.

But in case they either could not be drawn out of the Castle, or had obtained information of what was a-doing, they were to be compelled to surrender, by being deprived of victuals;—the incarceration of the Commander in Chief, and the influence of party among themselves favouring the plan.

The Public-offices and the Banks were to be secured, by placing proper persons as centinels over them, till the proprietors and managers appeared next morning. The same were to be consulted with by qualified persons, to be previously chosen. The property of such persons, either residing in town or country, deemed inimical to liberty, in the hands of Bankers, was to be sealed up, but what was necessary for their maintenance, till their fate was known.

The Post-office was to be taken possession of; as thereby all intercourse would be cut off between such as were hostile to the patriots, while the channel of communication was left open for them.

After these things were effected in Edinburgh, London, and Dublin, in one and the same night; and which was expected to be accomplished about six or seven o'clock in the morning,—couriers were immediately to be dispatched throughout the whole nation, to the leaders in other parts; while troops were to be marched from places to be fixed on, that could spare them to the assistance of such as would be deemed necessary. No sooner was the plan executed in the three Metropolises, than proclamations, previously prepared, were to be issued to the landholders, and officers under government, as did not cordially unite with the patriots in their views and designs, not to go above three miles beyond their dwelling-places, under pain of death;—to farmers, not to conceal or export any grain;—to ship-masters, not to carry any person coast-ways, without giving intimation of the same; place come from, and where going



to, of such person or persons, within a reasonable time after such intimation was given, to the nearest Justice of Peace, that the same might be called to an examination, under a similar penalty;—to such persons as were authorised to levy men, to deliver up their commissions and men to persons to be nominated, under the same penalty.

There was preparing an address to be made to the King at the same time, consisting of a long catalogue of abuses, both in the Legislative and Executive branches of Government; and requesting of him the dismissal of his present servants, and a dissolution of Parliament, the same to be replaced by men in whom the people could confide.

With regard to the pikes, I got them made both for sale and distribution. I do not at present recollect what instructions I might have given at the making of them. Whatever these instructions were, I am certain that none I had were ever distributed \*

There was no person concerned in these things but the Com. of W. and M.—Because I was morally certain, from the aspect of affairs, that how soon the operations were commenced, persons in the various ranks of society would carry it on.—I have therefore no new discoveries to make.

I can judge of my intentions from my feelings,—my views were the good of society; and not robbery or murder. I will not say but my own interest was blended in these views; for who is he, that if he serves society, but will naturally expect a reward? But divine Providence has been pleased to permit me to be brought into circumstances of misery and woe—I hope they have been the best reward that could be conferred on me. I however patiently, and I hope thankfully, accept of these as coming from God, not only as the Sovereign disposer of all events, but as my merciful Redeemer.

In

\* The pikes were found in my house, when the Sheriff's Officers were in search of the goods of a bankrupt in Musselburgh, sent to my house, about an eight days before, under the pretence of their being to be forwarded to Glasgow.

In reflection, I see that although my intentions were good, and probable evils endeavoured to be guarded against, yet circumstances might have proved such, as would have caused me to repent my having gone so far, although my person were safe, which I sincerely do this day.

Though the part I acted proceeded from the best of motives; yet, on reflection, I perceive that I erred in taking such an active part, without maturely weighing the probable consequences; bloodshed and rapine might have ensued. This would have involved me in guilt; being somewhat accessary to them, though not intentionally so.

The duty of all sincere christians is, "to lead quiet and peaceable lives in all godliness and honesty, giving honour to whom honour is due, and fear to whom fear." To leave the reformation of abuses in the State to those who mind only earthly things, except when called to assist in a legal manner. At the throne of grace they may be of more real utility, than either in the Cabinet or field of battle.

Had my life been prolonged, I think this would have been my mode of conduct. And I bless God for timely preventing me going the perhaps awful length my ambitious and enterprising mind might have induced me.

I have given no private offence that I know of. Indeed, my sympathising mind, though compounded of pride and ambition, would soon relent. I may truly say, if I know my own deceitful heart, that sympathy to the unfortunate was one cause of my adopting the part that has brought me to my present fate. Reflection on the hardships of others has often brought tears of sympathy from my eyes. Nor have I borrowed money, nor purchased goods, but with the most upright intentions. For the satisfaction of my creditors, I will observe, that I had views of being able to pay what I had either borrowed or purchased, had I lived altogether disconnected with the matter that has brought me to my present unfortunate situation; but in this situa-



tion it would be improper to mention what these views were.

Though I have always kept up the worship of God, at stated times, both in the closet and family, and had honest intentions towards my creditors, yet I am convinced, that my departures from God have been very great; and that, in the glass of his holy law, they are innumerable and highly aggravated. And especially the crime for which I am about to suffer, as viewed in its probable consequences. I humbly hope, that the Spirit of God has given me a saving discovery of my sins; and that in the spirit of genuine contrition, I am led to the precious blood of sprinkling.

In the foregoing narrative, if any article appears imperfect or obscure, I hope the imperfection or obscurity will be ascribed to the urgent pressure of the occasion on which this paper is written. It is a first copy; and, alas! there is not now time to revise or correct.—Of the minutes of life that yet remain to me, even the writing of this sentence has consumed one. But you who now read or hear of this account, remember as you read, that the period is coming when death [shall] be as near to you as it is to me; and, be assured, you will find that a period when you will shrink with horror from the idea of duplicity or deception. With candour then consider this solemn declaration of a dying man. Nor let prejudices, which appearances have produced against me, lead you to suppose, that, on the brink of eternity, with the throne of judgment in my view, I dare to approach the Omnipotent with a lie in my right hand.

Those who, in an official character, began and managed my prosecution, I freely forgive.

Forgive me, my fellow Christians, for the reproach thrown by my conduct on Religion.

My prayer to God is, That he may inspire all the people with a spirit of subordination and loyalty; and teach them to lead, under the powers that be, quiet and peaceable lives, in godliness and honesty.

O God! soon shall my body be given to the dust, and  
my



my soul will ascend to thee.—Thou knowest my sincerity in the narrative I have given; thou seest my sorrow for all my sins.—Hear me graciously;—And, for the sake of the Lord Jesus Christ, receive my soul to everlasting Glory. Amen.

This is truth, and the whole truth, as far as I recollect, I declare as a dying man.

(Signed) ROBT. WARR.

Tuesday Evening, Oct. 14th, }  
about 8 o'clock at night, 1794. }

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In regard of sending Pikes to Perth, to the best of my recollection, I talked with Craig about them, and that he told me they should be sent secretly; but I cannot say to what number, nor to whom.

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*Note.*—Although WARR, soon after his condemnation, promised the Clergymen who visited him, to write a confession of his crimes, he delayed the commencement of it till within eight or nine days of his death.—On the Wednesday before that event, he had written one sheet; this, it is supposed, he destroyed, as it was not among the papers he left behind him; Hitherto he appeared easy in his mind: but on the Friday, Saturday, and Lord's Day, much agitated.—On this last day he again began to write, but advanced no further than the account he has given of his childhood, &c.—By what he said afterwards, it is plain, his hesitation arose from the vain hope of a reprieve. On Monday morning he again appeared calm, and in good spirits; and said he had at last determined to declare all he knew, and employed the morning of that day in writing what is now given to the public.—In the evening, the order for his execution was officially intimated to him.—On Tuesday he continued writing; and in the evening, between seven and eight o'clock, finished and subscribed the paper now published,

published, and put it under a cover to the Sheriff.—On Wednesday, 15th October, he was executed.—The paper was sealed up in Watt's presence, together with another parcel, containing the letters he received whilst in prison, and other papers of no importance.—Both parcels were by Watt himself addressed to the Sheriff, and delivered to the Commanding Officer of the Castle, who sent them to the Sheriff on the Tuesday evening, agreeable to Watt's own particular request.

## No. II.

## COMMISSION OF OYER AND TERMINER.

**G**EORGE the Third, by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, &c. To our Right Trusty and Right well beloved Cousin and Counsellor David Earl of Mansfield, our Justice General, of that part of our kingdom of Great Britain called Scotland; or our Justice General for the time being, Ilay Campbell, Esq. of Succoth, President of our College of Justice, or the President of our College of Justice for the time being, James Erskine, Esq. of Alva, Senior Senator of our said College of Justice, Robert Macqueen, Esq. of Braxfield, our Justice-Clerk, or our Justice-Clerk for the time being, Alexander Murray, Esq. of Henderland, David Rae, Esq. of Eskgrove, John Swinton, Esq. of Swinton, Sir William Nairn, of Dunsinnan, Baronet, and Alexander Abercromby, Esq. of Abercromby, Commissioners of Justiciary; James Montgomery, Esq. of Stanhope, Chief Baron of our Court of Exchequer, in the aforesaid part of our kingdom aforesaid, or our Chief Baron of our Court of Exchequer aforesaid, for the time being, and Fletcher Norton, Esq. Senior Baron of our said Court of Exchequer Greeting. KNOW YE, that we, by virtue, and according to the form of the Statute, made in the seventh year of the Reign of our Royal Predecessor, Anne, late Queen of Great Britain, &c. Intituled (An Act for improving the Union of the two kingdoms,)



doms,) have assigned you, and any three or more of you, (of whom we will that any of you the said David Earl of Mansfield, or our Justice-General for the time being, Ilay Campbell, or our President of our College of Justice for the time being, Robert Macqueen, or our Justice Clerk for the time being, Alexander Murray and David Rae shall be one) our Justices, to enquire by the oath of good and lawful men of our shire or county of Edinburgh, in that part of Great Britain, called Scotland; and by other ways, means, and methods by which you shall or may better know, (as well within liberties as without,) by whom the truth of the matter may be better known and enquired into of all High Treasons and misprisions of High Treasons within the shire or county aforesaid, as well within liberties as without, by whomsoever, and in what manner soever, and by whom, when, how, and after what manner done, committed, or perpetrated; and of all other articles and circumstances concerning the premises, and every of them or any of them in any manner whatsoever; and the same High Treasons and misprisions of High Treasons, according to the form of the aforesaid Statute, to hear and determine. And therefore we command you, that at a certain day and place within the said shire or county, which you or any three or more of you, (of whom we will, that any of you the aforesaid David Earl of Mansfield, or our Justice-General for the time being, Ilay Campbell, or our President of our College of Justice for the time being, Robert Macqueen, or our Justice-Clerk for the time being, Alexander Murray and David Rae shall be one,) shall appoint for that purpose, you meet together, and diligently make enquiries about the premises, and hear and determine all and singular the said premises, and do and fulfill them, doing therein what to justice appertains, saving to us the amerciements and other things from thence to us accruing; for, we firmly command all and singular, Sheriffs Officers, Ministers, and our Subjects, by virtue of these presents, that they be attending, advising, aiding, and assisting to you in the execution of the premises



as it becomes them. We command also by virtue of these presents, the Sheriff of our shire or county aforesaid, that at a certain day and place which you, or any three or more of you, (of whom any of you the aforesaid David Earl of Mansfield, or our Justice-General for the time being, Ilay Campbell, or our President of our College of Justice for the time being, Robert Macqueen, or our Justice-Clerk for the time being, Alexander Murray and David Rae shall be one,) shall make known to him, he cause to come before you, or any three or more of you, (of whom we will that any of you, the aforesaid David Earl of Mansfield, or our Justice-General for the time being, Ilay Campbell, or our President of our College of Justice for the time being, Robert Macqueen, or our Justice-Clerk for the time being, Alexander Murray and David Rae shall be one,) so many and such good and lawful men of our said shire or county of Edinburgh, (as well within the liberties as without,) by whom the truth of the matter in the premises may be better known and enquired into. In witness whereof, we have caused these our letters to be made patent. Witness ourself, at Westminster, the twenty-fourth day of July, in the thirty-fourth year of our reign.

By the KING himself,

Y O R K E.

### No III.

#### PRECEPT FOR THE GRAND JURY.

EDINBURGH, (to wit) Alexander Murray, Esquire, of Henderland, David Rae, Esquire, of Eskgrove, John Swinton, Esquire, of Swinton, Sir William Nairn, Baronet, and Alexander Abercromby, Esquire, of Abercromby, Commissioners of our Lord the King, of Justiciary, in that part of  
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the Kingdom of Great Britain, called Scotland, Justices of our said Lord the King, assigned by Letters Patent of our said Lord the King, under the Great Seal of Great Britain, made by virtue of, and according to the form of the Statute, made in the seventh year of the reign of the Lady Anne, late Queen of Great Britain, &c. intituled, an Act for Improving the Union of the two Kingdoms; To Us and others, in the same Letters Patent, named, and to any three or more of us and them directed, (of whom our said Lord the King willed that one of us, the said Alexander Murray, and David Rae, should be one,) to enquire, by the oath of good and lawful men, of the county of Edinburgh, in that part of Great Britain called Scotland, and by other ways, means, and methods, by which we and others, our fellows Justices aforesaid, shall, or may better know, as well within liberties as without, by whom the truth of the matter may be the better known, and inquired into, of all High Treasons, and Misprisions of High Treasons, within the county aforesaid, as well within liberties, as without, by whomsoever, and in what manner soever, and by whom, when, how, and after what manner done, committed, or perpetrated, and of all other articles and circumstances concerning the premises, and every of them, or any of them, in any manner whatsoever; and the same High Treasons, and Misprisions of High Treasons, according to the form of the aforesaid Statute, to hear and determine: To the Sheriff of Edinburgh, Greeting; We, on the behalf of our said Lord the King, do command you, firmly enjoining you, that you do not omit, by reason of any liberty in your Bailiwick, but, that you cause to come before us, and others, our fellows Justices aforesaid, in the said Letters Patent named and assigned, or before any three or more of us and them, (of whom our said Lord the King willed, that one of us, the said Alexander Murray, and David Rae, should be one,) at the town and city of Edinburgh, in your said county, on Thursday, the fourteenth day of August next, twenty four good and lawful men of your said Bailiwick, to enquire,



present, do and execute, all and singular those things with which they shall be then and there charged and enjoined: And, that you give notice, to all Justices of the Peace, and Chief Constables in your said county, that they be then and there, in their proper persons, to do, whatsoever to their respective offices, in this behalf appertain to be done: And, that you yourself, together with your ministers and officers be on the same day, at the place aforesaid, in your proper persons, to do and execute those things, which to your office, in this behalf, appertain to be done: And that you have, then there, the names of the said Jurors, Justices of the Peace, and Chief Constables; and also this Precept. Given under our hands and seals, at Edinburgh, this twenty-ninth day of July, in the thirty-fourth year of the reign of our Sovereign Lord, George the Third, now King of Great Britain, France, and Ireland, Defender of the Faith, and so forth.

ALEX. MURRAY, (S. L.) WM. NAIRNE, (S. L.)

DAV. RAE, S. L.) ALEX. ABERCROMBY, (S. L.)

JOHN SWINTON, (S. L.)

#### No. IV.

#### PRECEPT FOR THE PETIT JURY.

EDINBURGH, (to wit) Robert Macqueen, Esq. Justice Clerk of our Lord the King, David Rae, Esq. of Elkgrove, John Swinton, Esq. of Swinton, Sir William Nairne of Dunfinnan, Baronet, Alexander Abercromby, Esq. of Abercromby, Commissioners of Justiciary of our said Lord the King, and Fletcher Norton, Esq. Senior Baron of our said Lord the King, of his Court of Exchequer, in that part of Great Britain called Scotland, Justices of our said Lord the King, assigned by Letters patent of our said Lord the King, under the Great Seal of Great Britain, made by virtue of, and according to the form of the statute, made in  
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the seventh year of the reign of the Lady Anne, late Queen of Great Britain, &c, intituled, an Act for improving the Union of the two kingdoms, to us and others our fellows justices of our said Lord the King, in the said letters patent named, and to any three or more of us and them made and directed, (of whom our said Lord the King willed that one of us, the said Robert Macqueen and David Rae, amongst others in the said letters patent named should be one) to enquire by the oath of good and lawful men of the County Edinburgh, in that part of Great Britain, called Scotland, and by other ways, means and methods, by which we and others our fellows justices aforesaid, should or might better know as well within liberties as without) by whom the truth of the matter may be the better known and enquired into, of all High Treasons and misprisions of High Treasons within the county aforesaid (as well within liberties as without) by whomsoever, and in what manner soever, and by whom, when, how, and after what manner done, committed or perpetrated, and of all other articles and circumstances concerning the premises, and every of them, or any of them in any manner whatsoever; and the same High Treasons and misprisions of High Treasons, according to the form of the aforesaid statute, to hear and determine; To the Sheriff of the said County of Edinburgh, Greeting; We, on the behalf of our said Lord the King, Command you, that you do not omit, by reason of any liberty in your Bailwick, but that you cause to come before us and others our fellows justices aforesaid, in the said letters patent named and assigned, or before any three or more of us and them, (of whom our said Lord the King willed, that one of us the said Robert Macqueen and David Rae, amongst others in the said letters patent named, should be one) at the Town and City of Edinburgh, in your said County, on Wednesday the third day of September next, twelve good and lawful men of the neighbourhood of the parish of St Giles, in your said county, every one of whom must have lands and tenements within your said county of the yearly value of Forty Shillings,

lings Sterling at least, by whom the truth of the matter may be the better known and enquired into, and who are not of kin to *Robert Watt*, late of the said parish of St Giles, in your said county, wine merchant, to try upon their oath, whether the said Robert Watt be guilty of a certain High Treason. whereof before us, and others our fellows justices afore said, he stands indicted or not, because the said Robert Watt hath put himself upon that jury, and have you then there the names of the said jurors, and this precept. Given under our hands and seals at Edinburgh afore said, this twenty-seventh day of August, in the thirty-fourth year of the reign of our Sovereign Lord George the Third, by the Grace of God, King of Great Britain, France and Ireland, defender of the faith, and so forth.

ROB. MACQUEEN, (S. L.) ALEX. ABERCROMBY, (S. L.)

DAVID RAE, (S. L.) WILLIAM NAIRNE, (S. L.)

JOHN SWINTON, (S. L.) FLETCHER NORTON, (S. L.)

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